

From
Thiru G. Prakash, I.A.S.,
Director of Municipal Administration,
Chepauk , Chennai – 5.

To
All corporation Commissioners.
All Municipal Commissioners.
All RDMA's.

Roc. No.41674/2014/J2

Dated 27.1.2015.

Sir/Madam,

Sub FSSA – Repeal and Savings under sec.97 of Food
Safety and Standards Act 2006 - regarding

Ref The Commissioner, Tamilnadu Food Safety and Drug
Administration, R.No.1651/2012/S1/FSSA, dated
17.12.2014.

A Copy of the above reference is forwarded for taking appropriate action.
Please send acknowledgement for the receipt of this letter with enclosures.

Sd/-V.P. Thandapani.
for Director of Municipal Administration

//Forward By order//

S. Revathi
Manager 12/2/15

JM
12/2/15

TAMIL NADU FOOD SAFETY AND DRUG ADMINISTRATION DEPARTMENT

From
The Commissioner
Tamil Nadu Food Safety and Drug Administration,
Administration Department,
359, Anna Salai,
Chennai - 600 006.

23 DEC 2014 To
041674 The Commissioner of Municipal
Administration,
Chepauk,
Chennai - 600 005.

R.No.1651/2012/S1/FSSA dated 17.12.2014.

Sir,

Sub:- FSSA - Repeal and Savings under Sec. 97 of Food Safety and Standards Act 2006 - Regarding.

- Ref:-
1. Lr.No.1 (19) 2011/Gujarat/FSSAI dt 07.01.2014 of the Director (Enf), FSSAI, New Delhi.
 2. This Officer Lr.R.No.1651/2012/S1/FSSA dt 31.01.2014.
 3. Lr.File No.1 (2) 2011/States/FSSAI/Vol I dt 05.12.2014 of the Advisor, FSSAI, New Delhi.

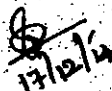
I invite your attention to this office letter 2nd cited. Where in it has been requested to instruct all the Municipalities, Corporations and Subordinate officers under your control not to issue any license to Food Business Operators under the repealed PFA Act and Local Body Act / Byelaws which will amount to violation of provisions of the Food Safety and Standards Act 2006.

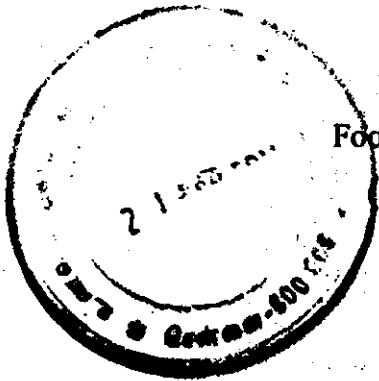
In this connection in the reference 3rd cited the Advisor, Food Safety and Standards Authority of India, New Delhi has stated that various local bodies are issuing food licenses under the provisions of their respective Local Bodies Acts / Byelaws even after implementation of the Food Safety and Standards Act 2006 with effect from 05.11.2011. The provisions of Food Safety and Standards Act 2006 have an overriding effect over all other legislations and therefore, the former would take precedence over all the other food related laws.

I am enclosing herewith a copy of the above said references. I therefore request you to kindly instruct all the subordinate officers under your control i.e., Corporations, Municipalities and Town Panchayats not to issue food license to Food Business Operators. The provision of food licensing has been taken over by the provision under Food Safety and Standards Act and its regulations.

Yours faithfully


For Commissioner of Food Safety


17/12/14



1 (19) 2011/Gujarat/ FSSAI
Food Safety & Standards Authority of India
(Ministry of Health & Family welfare)

FDA Bhawan, Kotla Road
New Delhi - 110002
Date: 07.01.2014

To

All Commissioner of Food Safety

Subject: Repeal and savings under Section 97 of the Food Safety and Standards Act, 2006-reg.

Sir,

It has come to the notice of the Authority that various local bodies are issuing food licenses under the provisions of its local bodies Act/Byelaws. This practice is continuing even after commencement of the Food Safety and Standards Act, 2006, rules and regulations made thereunder w.e.f. 5th August 2011.

In this connection, your attention is invited to Section 97 (2) of the Food safety and Standards Act, 2006, according to which, if there is any other law for the time being in force in any State, corresponding to this Act, the same shall upon the commencement of this Act, stand repealed and in such case the provisions of section 6 of the General Clauses Act, 1897 shall apply as if such provision of the State law had been repealed.

Further, as per Section 89 of the Act; "the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act". Under the above said provisions, the Food Safety and Standards Act, 2006 has overriding effect on all other legislations, and therefore the former would take precedence over the other food related laws.

Yours sincerely,

Vinod Kotwal
(Vinod Kotwal)

Director (Enforcement)

Copy to:

All Central Designated Officers, FSSAI

TAMIL NADU FOOD SAFETY AND DRUG ADMINISTRATION DEPARTMENT

From
KUMAR JAYANT, I.A.S.,
Commissioner,
Tamil Nadu Food Safety and Drug
Administration Department,
359, Anna Salai,
Chennai -600 006.

To
The Commissioner of Municipal
Administration,
Chennai-600 005.

R.No. 1651/2012/S1/FSSA dated 31.01.2014

Sir

Sub:- FSSA – Repeal and savings under section 97 of the Food Safety and Standards Act 2006 – Regarding.

Ref:- Letter No.1(19)2011/Gujaraj/FSSAI/dated 7.1.2014 of the Director (Enforcement) FSSAI, New Delhi.

I wish to state that the Food Safety and Standards Act 2006 is being implemented with effect from 5.8.2011 by repealing the Prevention of Food Adulteration 1954.

Under section 2:1 Chapter 2 of Food Safety and Standards (L&R of FB) Regulations 2011, all Food Business Operators will be Registered as Licensed.

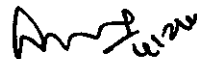
As per section 1:2:3 of Food Safety and Standards (L&R of FB) Regulations, 2011, the Designated Officer appointed under section 36(i) of the Act by the Commissioner of Food Safety of the State are the Licensing Authorities. Accordingly licenses to the Food Business Operators are being issued by the Designated Officers.

In this connection in letter cited, the Director (Enforcement) Food Safety and Standards Authority of India, New Delhi has stated that it has come to the notice of the authority that various local bodies are issuing food licenses under the provisions of its Local bodies Act / Byelaws. This practice is continuing even after commencement of the Food Safety and Standards Act 2006, Rules and Regulations made thereunder with effect from 5th August 2011. Accordingly to section 97 (2) of the Food Safety and Standards Act 2006, if there is any other law for the time being in force in any state, corresponding to this Act, the same shall upon the commencement of this Act stand repealed and in such case the provisions of section 6 of the General clauses Act 1987 shall apply as if such provision of the state law had been repealed. Further it has been stated that as per section 89 of the Act, "the provisions of this Act shall have effect not with standing any thing inconsistent therewith contained in any other law for the time being in force in any instrument having effect by virtue of any law

other than this Act". Under the above said provisions, the Food Safety and Standards Act 2006 has overriding effect on all other legislations, and therefore the former would take precedence over the other food related laws.

In view of the above, I request you to kindly instruct all the Municipalities, Corporations and subordinate officers under your control not to issue any license to Food Business Operator's under the repealed PFA Act and Local body Act / Byelaws which will amount to violation of provisions of the Food Safety and Standards Act 2006.

Yours faithfully,



For Commissioner of Food Safety



Copy to:

- ✓ All District Collectors.
- The Deputy Commissioner (Health)
Corporation of Chennai-600 003.
- The Health Officer, Corporation of Chennai, Chennai-600 003.
- All Designated Officers.

Spare copy

File No. 1 (2) 2011/States/ FSSAI/ Vol. I
Food Safety and Standards Authority of India
(Enforcement Division)
Ministry of Health and Family Welfare
FDA Bhawan, Kotla Road, New Delhi - 110002

2014

The 4th December, 2014

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All Commissioner of Food Safety

Subject: Repeal and savings under Section 97 of the Food Safety and Standards Act, 2006 - reg.

Sir,

This is in reference with FSSAI's letter No. 1(19) 2011/Gujarat/FSSAI dated 7th January, 2014 to all the State/UT Governments with respect to Section 89 and 97 of the Food Safety and Standards Act, 2006. It has been observed that various Local Bodies are issuing food licenses under the provisions of their respective local bodies Acts/ Byelaws. This practice is continuing even after the provisions of the Food Safety and Standards Act, 2006, rules and regulations made thereunder have come into force w.e.f. 5th August 2011.

2. Your kind attention is again invited to Section 97 (2) of the Food Safety and Standards Act, 2006, according to which, if there is any other law for the time being in force in any State, corresponding to this Act, the same shall, upon the commencement of this Act, stand repealed and in such case the provisions of section 6 of the General Clauses Act, 1897 shall apply as if such provision of the State law had been repealed.

3. Further, as per Section 89 of the Act; *"the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act"*. Needless to say, the provisions of Food Safety and Standards Act, 2006 have an overriding effect over all other legislations and, therefore, the former would take precedence over all the other food related laws.

This is for your kind information and appropriate action please.

Yours sincerely,


(S. Dave)
Advisor

Copy to:

Shri Vijay Prakash Jain, Secretary General, Bhartiya Udyog Vyapar Mandal, 11 Gola Cottage, 4598, IInd Floor, 12-B, Daryaganj, New Delhi-110002, for information please.



(S. Dave)
Advisor