

FOOD SAFETY AND STANDARDS, 2006- CONCEPTUAL FRAMEWORK

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ABSTRACT

More complex food supply networks are a direct outcome of increased international trading in agricultural products. The food supply chain is rife with potential points of failure due to the wide variety of entities, processes, and localizations that might compromise food safety. Prior to this, food safety protocols primarily addressed the stages of manufacturing, processing, and sale. The logistics sector has mostly disregarded the importance of integrating the commodity flows component, which links the main phases. Because of this, there are gaps in knowledge that make it difficult for risk assessors to ensure the safety of consumers. We developed a conceptual framework (CF) to analyse the impact of global commodity flows on food safety and to map the study domain. We used agricultural bulk commodities (ABC) as an example. The foundation of the CF was a grounded theory-inspired qualitative text analysis of a wide range of literature reports. Presented below are the main concepts, both inside and outside of ABC flows, that are crucial for the logistical study of food safety. Concerns that arise from using these criteria are brought to light by the study. A universally accepted definition of food safety cannot be established, we conclude. Instead, our research showed that distinct levels of criteria are utilized to assess food safety: standards developed by scientists based on their knowledge and values and consumer-based criteria based on their knowledge and values that influence their behaviour.

The food business and society at large place a high value on food safety as a means of protecting people's lives and well-being. While no one can agree on a single definition of food safety, most research starts with the premise that we can objectively evaluate the presence or lack of food safety using facts from the natural sciences. From there, people may draw their own conclusions and opinions. Differences of opinion among scientists and an increasing amount of public discussion suggest that no one group has settled on a single definition of "safe" or "unsafe" behaviour. By classifying criteria from several research disciplines, this study presents a framework that differentiates evidence practices and characterizes food safety in a more generic sense. It uses plant protection items as an example. Further, within the framework of risk management, it aids experts in tackling complex food safety challenges.

Keywords:- Food supply chain, agriculture goods, food safety, logistics, risk management

INTRODUCTION

To ensure that people have access to safe and nutritious food, as well as to address issues related to it, this is a demonstration to unite food regulations and establish the Sanitation and Principles Authority of India. The purpose of the guidelines is to be based on scientific evidence and to govern the production, storage, transportation, sale, and import of food items.

One of the main issues that modern civilizations around the world have had to deal with is the fight against hunger and food insecurity. The discussion of issues related to food security has developed along with the notion of food security and reflects changes in the objectives of policy, frequently brought on by newly developing concerns. Food security strategies must be completely revised in light of the recent dramatic rise in food prices, the ongoing scarcity of inputs like land and water, the rise in life expectancy in developing nations coupled with changing lifestyles, and the spread of new food-related problems like obesity.

Objectively speaking, the Food Safety Standard Act of 2006 seeks to safeguard the general public's health against subpar food products. The complete food supply chain has been documented in detail, from the choice of raw materials to the retailing of the finished foods. Almost all businesses that deal with products linked to food are required to adhere to FSS Act regulations. The FSS Act of 2006 is explained in detail here.¹

The FSS Act of 2006 was created in response to the rising prevalence of poor-quality foods. Along with lifestyle changes, the dominance of packaged goods, the introduction of new technology, and the rise of adulteration practises, this legislation was also influenced by these other causes. As a complete legal safeguard for food manufacturers who infrequently adhere to any quality requirements, the FSS Act 2006 was enacted. The FSS Act of 2006 says the following:

“An Act to comprise the laws concerning food articles and to set up the Food Safety and Standards Authority of India to enact science-based norms for food items, and to govern their production process, storage, distribution, and import to ensure the availability of safe food articles for human consumption and matters concerning the same.”²

By adopting science-based criteria through an authoritative regulator—the FSSAI—the FSS Act ensures comprehensive legal fencing for food production. The following laws are superseded by the FSS act because they are no longer in effect.

I. IMPORTANCE OF FOOD SAFETY

A nation's development and prosperity depend on its food supply being safe to eat. India is seeing several challenges in its quest for food safety due to its rapidly expanding urbanization, population, and economy. On farms, food is contaminated due to a number of factors, including the overuse of pesticides and growth hormones as well as exposure to hazardous waste. Contaminants such as additives, chemicals, pollutants, adulterants, toxic colorants, preservatives, and other harmful substances render the food unsafe for human consumption. From raw material procurement to final product handling, food quality may deteriorate at any point in the manufacturing process. Therefore, food safety regulations are become more difficult to execute with each stage.

¹ Tyagi Pankaj “FSS 2006- Scope, Objective and Norms” Corpbiz Available at, <https://corpbiz.io/learning/fss-act-2006-scope-objectives-and-norms/>, (Last Visited on 20th May 2023)

² ibid

To ensure that water and food are free of contaminants and microbes, food safety is crucial. Pollutants and microbes not only make people sick, but they also strip food of its essential nutrients. Consumption of tainted food causes illness and death in millions of people annually. Proper meal preparation is the best defense against food-borne illnesses. Groups already at a lower health risk, including babies and the elderly, are disproportionately affected by food-borne infections, which may be more severe and even deadly.³

II. HISTORICAL EVOLUTION OF LAW RELATING TO FOOD SAFETY AND STANDARDS IN INDIA

British colonial Era (Pre- Independence)

Several laws were enacted during British control to regulate food safety. The Indian Food and Drugs Act of 1897 was the most major piece of law, aiming at preventing the trade of contaminated and misbranded food and drugs. The act gave the government the authority to employ food inspectors and set up testing laboratories. However, enforcement was still minimal.

Post- Independence

Following India's independence in 1947, attempts were made to improve food safety rules. An earlier statute from the British period was superseded by the 1954 Prevention of Food Adulteration Act (PFA Act). The PFA Act established rules for a variety of foods and sought to control the sale of foods that were either adulterated or mislabelled. The act established laboratories, authorised food inspectors, and defined punishments for infractions.

Implementation of Food Safety and Standards Act (2006 onwards)

Various regulations and standards have been introduced under the FSSA's scope since its introduction. The FSSAI has been actively involved in the development of food standards, the promotion of good manufacturing practises, the regulation of labelling and packaging, and the performance of surveillance and enforcement actions. In addition, the act emphasises public awareness and consumer education about food safety.⁴

Latest developments

In recent years, efforts have been made in India to increase food safety and standards. The Food Safety and Hygienic Rating Scheme, which ratings and certifies food facilities based on hygienic requirements, is one of the FSSAI's efforts. To protect the safety of imported food goods, the Food Safety and Standards (Import) Regulations, 2017, were also enacted. Furthermore, the FSSAI has been attempting to align Indian food standards with international norms in order to ease commerce.

³Sushila "Legal Framework Regulating Food Safety: A Critical Appraisal" Available at, <https://clap.nls.ac.in/wp-content/uploads/2021/01/LEGAL-FRAMEWORK-REGULATING-FOOD-SAFETY-A-CRITICAL-APPRAISAL-Sushila.pdf>, (Last Visited on 20th May 2023)

⁴"Implementation of Food Safety and Standards Act, 2006" *PRS Legislative Research*, Available at, <https://prsindia.org/policy/report-summaries/implementation-food-safety-and-standards-act-2006>, (Last Visited on 22nd May 2023)

III. LEGAL MECHANISM AND REGULATORY FRAMEWORK RELATING UNDER FSS ACT

Among other things, the Preamble to the FSS Act seeks to guarantee the provision of safe and healthy food for human consumption and to create science-based standards for food products. The FSSAI is the country's primary regulating organization for food safety. Thus, ensuring food safety is an intricate and specialized task. It is imperative that the Food Safety and Standards Authority of India (FSSAI), being a science-based organization, be endowed with the appropriate resources and is headed by an individual with the requisite technical acumen and pertinent knowledge to oversee the arduous task of food regulation in a nation such as India. Therefore, it is essential to engage personnel with technical ability and competence in order for FSSAI to carry out its vital task correctly.

Several legal processes and regulatory frameworks are in place to meet the goals of the FSS Act. Here are a few crucial points:

- **FSSAI (Food Safety and Standards Authority of India):** The main regulatory body responsible for carrying out the FSS Act's regulations is the FSSAI. It sets standards, regulates food enterprises, promotes food safety, and provides scientific advice and guidance on food-related issues.
- **Regulations on Food Safety and Standards:** The FSSAI has the authority to issue regulations under the FSS Act. These regulations set out specific principles and standards for different aspects of food production, processing, packing, labelling, and import/export. The standards apply to a wide range of food products and include specifications for ingredients, additives, pollutants, labelling, cleanliness, packaging, and so on.
- **Licensing and Registration:** According to the FSS Act, food firms must seek licences or registrations based on their size of operation. The licensing and registration regulations ensure that food enterprises follow food safety standards, practise good hygiene, and are subject to frequent inspections.
- **Food Safety Compliance:** The FSS Act requires food products to be inspected, sampled, and tested to ensure that they meet safety standards. It gives authorised officers the authority to take appropriate steps against non-compliant enterprises, such as issuing improvement letters, suspending licences, and launching prosecution in cases of major infractions.
- **Penalties and Adjudication:** The FSS Act established an adjudication framework to manage violations and noncompliance. Adjudicating Officers are chosen to rule on penalties imposed for violations of the Act. Depending on the gravity of the offence, penalties may include fines, jail, or both.
- **Food Safety Appellate Tribunal:** The FSS Act establishes the Food Safety Appellate Tribunal, which reviews appeals against adjudicating officials' findings. The tribunal provides a venue for dissatisfied parties to contest penalties or decisions concerning food safety and standards.
- **Consumer Complaint Resolution:** The FSS Act emphasises consumer protection and provides procedures for customers to raise complaints about food safety issues. Consumers can seek recourse for food safety complaints by contacting designated Consumer Complaint Cells or Consumer Disputes Redressal Commissions.

To guarantee food safety and standards in India, the FSS Act set up certain important legal processes and regulatory frameworks. To address new problems and bring it in line with international norms, the Act is regularly reviewed and changed. For the sake of national food safety and public health, it is essential.

IV. FSSAI (FOOD SAFETY AND SECURITY AUTHORITY OF INDIA)

Section 4-17 of FSS Act deals with the establishment, composition, removal, duties, functions, proceedings.

Establishment of Food Authority (Section 4)- In order to carry out the duties and supervise the activities outlined in this law, the Indian government would create the Food Safety and Standards Authority of India by a government-issued announcement. All rights to own, lease, and sell real and personal property, as well as enter into and perform contracts, are thus granted to the Food Authority, which shall be a perpetually succeeding body corporate with a common seal. The capital of the Food Authority will be Delhi. The Food Authority has the authority to build offices wherever in India.

“Composition of Food Authority (Section 5)- The Food Authority will have twenty-two members, including a chairperson, with women making up one-third of the membership: -seven members, no lower than the position of Joint Secretary to the Government of India, to be chosen by the Central Government to represent the Central Government Ministries or Departments that deal with- (i) Agriculture, (ii) Commerce, (iii) Consumer Affairs, (iv) Food Processing, (v) Health, (vi) Legislative”

Proceedings of Food Authority(Section 17)-(1) Meetings of the Food Authority must be held at the main office or one of its satellite locations at times designated by the Chairperson. The authority must adhere to the norms of procedure outlined in regulations for the conduct of business during meetings, including the need of a quorum.

(2) In the event that the Chairperson is unable to make it to a Food Authority meeting, the meeting will be presided over by another Member who has been nominated by the Chairperson to do so, or by anyone duly elected from among the members present if no one has been nominated.

(3) If there is a tie for first place in a vote at any given Food Authority meeting, the chair or presiding officer has the power to cast a second or casting vote. Otherwise, all matters shall be resolved by a simple majority vote of the members present and voting.

(4) The Chief Executive Officer must authenticate all Food Authority instructions and decisions.

(5) The Chief Executive Officer may attend Food Authority meetings but is not permitted to vote.

(6) The head of the scientific committee may be invited to Food Authority meetings, but they will not have voting rights.

(7) A lack of membership or other constitutional defect must not be grounds for challenging or nullifying any Food Authority action or decision.

V. IMPACT OF FOOD SAFETY ON PUBLIC HEALTH

As the number of food-borne illnesses continues to rise, food safety has emerged as a critical concern for public health across the world. Worldwide, people are worried about contracting diseases due to germs that may be found in food. So that no one gets ill from eating contaminated food, governments throughout the globe are increasing their efforts to make food safer. Concerns about the safety of food have far-reaching consequences for people's well-being and for the growth of economies. From minor episodes of food poisoning to infections and cancer, food safety concerns may cause a wide range of illnesses. An estimated 1.8 million people die every year from diarrheal disorders, the majority of which are caused by microbial infections in food or water. These countries suffer greatly from this public health crisis. Worldwide, people are dealing with a growing number of food-related illnesses, which is putting a significant strain on healthcare systems in both developed and

developing nations. Reports of food-borne illness in India reach 75 million annually. Human food-borne listeriosis has been on the increase due to changes in food production, processing, and distribution, which is a huge public health problem. Right now, we're facing a lot of problems that will need solutions from all around the world. One of these challenges is the spread of infectious illnesses that emerge or resurface at the points where people, animals, and ecosystems interact. 'One health' aims to lessen the global impact of illnesses transmitted by animals.⁵ Governments should make ensuring the safety of food a top public health concern since they are primarily responsible for establishing regulatory frameworks, laws, and policies, and for creating and implementing efficient food safety systems. When shopping, dining out, or preparing food at home, it is essential that everyone involved knows how to handle food correctly and follows the World Health Organization's five guidelines for safer food. The World Health Organization has outlined five guidelines for the safe cultivation of fruits and vegetables, which food producers may follow.

WHO and Food Safety

The World Health Organization published a study in 2015 detailing their estimations of the worldwide burden of food related diseases. The analysis indicated that there might be more than 600 million instances of food associated illnesses and 420,000 fatalities annually. The study contained the initial worldwide and subregional assessments of the illness burden produced by thirty-one distinct food-borne pathogens, encompassing bacteria, viruses, parasites, poisons, and chemicals. Although it has a less effect in nations with low or medium income, it has a greater impact on vulnerable groups, such as children younger than five. According to a 2019 report by the World Bank on the economic burden of food borne diseases, low- and middle-income countries are estimated to lose \$95.2 billion in productivity each year due to these illnesses, with the cost of treatment reaching \$15 billion.

“An estimated 600 million – almost 1 in 10 people in the world – fall ill after eating contaminated food and 420 000 die every year, resulting in the loss of 33 million healthy life years.

US\$ 110 billion is lost each year in productivity and medical expenses resulting from unsafe food in low- and middle-income countries.

Children under 5 years of age carry 40% of the food borne disease burden, with 125 000 deaths every year.”⁶

To better address public health risks related to tainted food on a worldwide scale, the World Health Organization is working to establish national food control systems. WHO assists Member States in this endeavour by:

- providing objective scientific assessments of chemical and microbiological hazards that form the basis for the Codex Alimentations, a set of international food standards, guidelines, and recommendations;
- using the food control system assessment approach developed by the FAO and the WHO, evaluating the effectiveness of national food control systems across the food chain, identifying development priorities, and tracking and analyzing progress over time;

⁵Pal Mahendra and AberaFirehiwortet.el “Impact of Food Safety on One Health”, *Researchgate*, Available at, https://www.researchgate.net/publication/280232669_Impact_of_Food_Safety_on_One_Health, (Last Visited on 20th May 2023)

⁶“Food Safety”, *World Health Organization*, Available at, <https://www.who.int/news-room/fact-sheets/detail/food-safety>, (Last Visited on 20th May 2023)

- conducting risk assessments of novel food production methods including nanotechnology, genetic engineering, and cultivated foods; collaborating with INFOSAN to establish effective systems for managing food safety risks and handling food safety emergencies;
- The World Health Organization has developed a set of training materials and a message called Five Keys to Safer Food as part of its efforts to raise awareness about the need of safe food handling and to avoid diseases. In addition, they promote food safety as a crucial component of health security and aim to integrate it into national programs and policies in accordance with the International Health Regulations (IHR 2005).
- Keep a close eye on the worldwide impact of food-borne and zoonotic disease outbreaks on a regular basis at the national, regional, and international levels; help nations determine their own food-borne disease burdens; and
- revising the World Health Organization's Global Strategy for Food Safety (2022–2030) to promote the improvement of national food control systems and the mitigation of food-borne illness burdens among Member States.

In an attempt to decrease the occurrence of food-borne illnesses, the World Health Organization's Global Strategy for Food Safety 2022–2030 aims to ensure that all persons, globally, get food that is both healthy and safe. The plan was greenlit in the 75th World Health Assembly. A future-proof, evidence-based, people-centered, and cost-effective food safety system with integrated governance and optimum infrastructures is the purpose of the five interconnected and complementary objectives of the plan. With the help of the Technical Advisory Group (TAG) on Food Safety: Safer food for better health, the World Health Organization (WHO) Secretariat developed the Global Strategy for Food Safety. Contributions from academia, NGOs, public health professionals, commercial companies, and other non-governmental organizations as well as Member States and official institutions formed the basis of the present policy.⁷

Main Challenges and Barriers to ensuring Food Safety and Security⁸-

Food safety and security is a complicated and varied subject that countries and areas all over the world face. While the specific obstacles and barriers differ depending on the environment, there are a number of common variables that contribute to this problem. Here are some of the most significant issues and impediments to maintaining food safety and security:

- **Lack of infrastructural and Resources:** Many regions, particularly in developing countries, confront infrastructural and resource issues. Inadequate storage facilities, transit networks, and processing capacity are examples of this. It is difficult to maintain food quality and safety throughout the supply chain without sufficient infrastructure.
- **Poor Agricultural Practises:** Poor agricultural practises can result in soil deterioration, water contamination, and overuse of pesticides and fertilisers. These practises can result in compromised crops, putting food safety at risk. Furthermore, inappropriate agricultural product handling and storage can contribute to deterioration and infection. Punjab and Haryana followed Green Revolution which

⁷“WHO Global Security for Food Safety 2022-2030 Towards Stronger Food Safety Systems and Global Cooperation” *World Health Organization*, Available at, <https://www.who.int/publications/i/item/9789240057685>, (Last Visited on 20th May 2023)

⁸Mohammadi Elham “Food Security Challenges and Options in the Caribbean: Insights from a Scoping Review” *Springer* Available at, <https://link.springer.com/article/10.1007/s44177-021-00008-8>, (Last Visited on 21st May 2023)

increased the production along with the disease such as cancer, Punjab is at the forefront of the Green Revolution and its end result, cancer. The Abohar-Jodhpur Express, colloquially called the "Cancer Train," was grounded for months because to the COVID-19 epidemic and shutdown, causing cancer sufferers great distress as they were unable to get medical care in Bikaner.⁹ The 'Cancer Train' is distinguished by the fact that 60% of its passengers are cancer patients travelling to the Acharya Tulsi Regional Cancer Hospital and Research Centre in Bikaner for treatment. Every day, the 'Cancer Train' transports 100 cancer patients and 200 co-passengers to Bikaner. And the majority of these people of all ages are Punjab farmers. Although Punjab accounts for only 1.5% of India's land area, it accounts for 20% of pesticide and herbicide chemical use.

- **Climate Change and Environmental Factors:** Food safety and security are threatened by climate change. It can cause unpredictability in weather patterns, extreme weather occurrences, and shifts in pest and disease patterns. These factors can have a negative impact on agricultural productivity, crop yields, and the overall food system stability.
- **Inadequate Access to Clean Water and Sanitation:** Clean water is essential for safe food production and processing. Many places, however, experience water scarcity, poor water quality, and insufficient sanitary facilities. Water contamination can contribute to the spread of food borne pathogens and jeopardise food safety.
- **Weak Regulatory Frameworks and Enforcement:** Robust regulatory frameworks and proper enforcement are required for effective food safety and security. There may be a lack of comprehensive food safety rules in some areas, or inadequate implementation and enforcement of current regulations. This might result in dangerous practises and the presence of tainted or adulterated food on the market.
- The Act contains many ambiguous phrases and terminology, which lengthens the lawsuit process needlessly. There is only a one-year window of opportunity to bring the situation to the attention of the appropriate authorities before the statute of limitations ends. Considering the compliance capabilities of the local food industry before adopting and implementing international standards becomes challenging.
- The food authority is struggling to meet the demands of the expanding food industry due to a lack of resources and personnel. There are a lot of significant bureaucrats and non-technical individuals on work, yet they don't know what to do about certain tough dietary issues. No one in charge of food safety can keep tabs on what's happening in the field. Equally few are licensing officials. Provisions in the Act that authorise the granting of a licence, as well as the punishment, may lead to corruption.¹⁰

VI. “JUDICIAL PRONOUNCEMENTS

*M/S Nestle India Limited vs. The Food Safety and Standards Authority of India*¹¹

In the case of M/s Nestle India Limited vs The Food Safety and Standards, the FSSAI found unsafe levels of lead and monosodium glutamate ('MSG') in Maggie, a Nestle product. The company was subsequently subjected to legal consequences. Maggie was held liable by FSSAI for the following reasons:

⁹Singh Vir “Green Revolution and a Harvest of Cancer” *The Pioneer* Available at, <https://www.dailypioneer.com/2021/state-editions/green-revolution-and-a-harvest-of-cancer.html>, (Last Visited on 23rd May 2023)

¹⁰Patil Dnyaneshwari Role of Judiciary in Implementation of Food Adulteration Laws in India *ipleaders* Available at, <https://blog.ipleaders.in/role-of-judiciary-in-the-implementation-of-food-adulteration-laws-in-india/>, (Last Visited on 20th May 2023)

¹¹*M/S Nestle India Limited vs The Food Safety and Standards Authority of India*, 13th August 2015

- Excessive use of lead content
- Customer misled by labelling food with 'No added MSG'
- Maggie was marketing without FSSAI product approval.

After reviewing all of the recommendations, the High Court of Mumbai issued the following judgement in M/s Nestle India vs. FSSAI as a further appeal to Nestle:

- The Maggie Noodle varieties available to the Petitioner would be tested.
- After collecting five samples from each batch, the company must send them to three NABL-approved food labs: Vimla Lab. in Hyderabad, Punjab Biotechnology Incubator, Agri & Food Testing Laboratory in Mohali, and CEG Test House and Research Centre Pvt. Ltd. in Jaipur, Jaipur. Only after receiving results showing lead levels within the permissible range of 0.25% can the manufacturing process begin.
- As part of the FSS act approval procedure, Maggie goods will need to have the statement "No added MSG" removed from their labels."

M/S Omkar Agency vs. Food Safety and Standard Authority of India¹²

Here, the Patna High Court had to decide whether to follow Section 30(a) of the Food Safety and Standards Act, 2006 ("Food Act") and limit sales of zarda, container masala, and gutka. The Food Safety Commissioner had moved for this restriction. The smokeless tobacco manufacturers brought the motion. The makers said the restriction infringed upon their First Amendment rights because of their role as actors under the Comprehensive Tobacco Control Act, 2003 (COTPA) of India. Also, the manufacturers claimed they weren't required to follow the rules laid down by the Food Act as they weren't food business administrators.

The Court overturned the restriction order, ruling, among other reasons, that:

- The lack of support for manufacturing, distribution, or sale norms under the Food Act renders gutka and tobacco, in general, as non-food items.
- Despite the fact that pan masala is a food item, the Commissioner did not use target evidence, which is necessary under the Food Act, to prohibit all brands of pan masala, regardless of whether they contain tobacco.
- Tobacco cannot be regulated under the Food Act as it is not food, and smokeless tobacco products cannot be outlawed under COTPA, a central statute that authorizes the production of tobacco and tobacco-based goods.

Academy of Nutrition Improvement and Ors. Vs. Union of India¹³

Organizations outside of government that represent buyers, salt producers, clinical specialists, academics, and others are eligible to apply in this round of questions. Their stance is that salt should not be iodized for human consumption.

So, the court upheld that it is not possible to use the provisions of the demonstration to limit the production, storage, or sale of an edible good (used in the preparation of food for humans or as an additive) so long as it is in its natural state, free of harmful substances, and not harmful to health. The reasoning behind this is that a boycott would force people to use a reduced version of the food, which would benefit some people. At this time, there is no evidence that the general population, defined here as those who do not suffer from an iodine

¹²M/S Omkar Agency vs Food Safety and Standard Authority of India, 19th July 2016

¹³Academy of Nutrition Improvement and Ors. vs Union of India, 4th July 2011

deficiency, would be negatively impacted by the widespread iodization of salt. Even yet, we can't help but conclude that Standard 44-I is null and void since it ignores the Demonstration. Public health might be negatively impacted as a result of the repeal of the restriction on selling non-iodized salt to the public. So, using the most current data sources and examination findings, the federal government should set aside approximately six months to carefully assess the mandated iodization plan (human salt iodization on a large scale). Let us pretend that this kind of study is based on the premise that the comprehensive iodization scheme ought to be implemented. In order to go on with the essential iodization program, the central government should enact suitable legislation or other legal steps.¹⁴

M/S PepsiCo India Holdings Private Limited and Anr. vs. State of U.P.¹⁵

In this case, the state government's FIR was filed against the corporation under Section 272/273 of the IPC. The state's decision was met with opposition from Pepsico India Holding. A central point of their contention was that sections 272 and 273 of the IPC were repealed in the 2006 Act. For all things related to food fraud and safety, see the 2006 Act. Instead of relying on the provision of the IPC, the High Court decided that the whole process and inquiry should be conducted in compliance with the 2006 Act. According to the High Court of Allahabad's interpretation of Generali specialibus non derogant, the Indian Penal Code section in question did not apply to this particular instance.

Vital Nutraceutical Pvt. Ltd. Etc. vs. Union of India¹⁶

A number of food advisories issued by the Food Safety and Standard Act were contested on the grounds that they violated the Indian Constitution's Articles 14, 19(1)(g) and 300A. The main argument was that the food manufacturers, known as the Petitioners, were unfairly forced to undergo product approval as a prerequisite for renewing their licenses or running their food businesses. This requirement was deemed completely unreasonable given that—24 Judgment of Justice Girish Kulkarni states that the right to safe, nutritious food is a fundamental constitutional protection.

Furthermore, the Court determined that eating any kind of unhealthy food would have a negative impact on a person's health. Under these circumstances, it is impossible to ignore the requirements of Article 21, Article 39 clause (e) and (f), and Article 47 of the Constitution, which acknowledge the human right to safe and nutritious food, in addition to the provisions of the FSS Act.²⁷ According to Article 39, clause (e)²⁸, the state is obligated to ensure the health of all citizens, including children, while clause (f)²⁹ specifies that children should have access to resources that promote healthy development.

Vincent vs. Union of India¹⁷

All human endeavours must begin with a sound physical condition, according to the Supreme Court. Public health improvement and the prohibition of hazardous substances are highlighted as one of the primary objectives of the state in Art.47, a directive Principle of State Policy in this respect.

¹⁴Sharma Mahima “Right to Hygienic Food – A Fundamental Right in India”, *ipleaders*, Available at, <https://blog.ipleaders.in/right-hygienic-food-fundamental-right-india/#:~:text=Landmark%20judgments-1.,and%20lead%20in%20the%20noodles.>, (Last Visited on 22nd May 2023)

¹⁵*M/S PepsiCo India Holdings Pvt. Ltd. And Anr. vs State of UP* 8th September 2010

¹⁶*Vital Nutraceuticals Pvt. Ltd. vs Union of India*, Bombay High Court Writ Petition No. 2746 of 2013

¹⁷*Vincent vs Union of India*, 1987 AIR 990: 1987 SCR (2) 468

Suggestions

Good Manufacturing Practices (GMP)- This term describes the most basic standards of cleanliness and processing that must be met in order to guarantee the creation of healthy and safe food. Both inanimate objects and sloppy personal hygiene can't get you infected.

'One World One Health'- There has been a recent upsurge in the idea of "One World, One Health," which suggests that people all throughout the globe have suddenly realized the link between animal ailments and human health. It has long been acknowledged that the majority of human infectious illnesses 60%, as well as novel human diseases (75%), and pathogens with bioterrorism potential (80%) originate from animals, whether they be domestic or wild. When it comes to food safety, a One Health strategy might mean pooling knowledge and resources from several fields of medicine, such as plant pathology, wildlife and aquatic ecology, human and veterinary medicine, and others.

HACCP (Hazard Analysis Critical Control Point)- Hazard Analysis and Critical Control Points (HACCP) is a strategy for managing food safety that has been effective in reducing the occurrence of food-borne diseases. This scientifically solid and systematically planned approach to providing safe food can be used to every link in the food chain. It is a method of managing the production, procurement, and handling of raw materials as well as the finished product's creation, distribution, and consumption in a way that minimizes biological, chemical, and physical hazards.

Sanitation- Cleaning and sanitizing are two separate but complementary steps in the broader process of sanitation. The equipment, packaging, walls, and floors of a food processing plant may all benefit from a good cleaning and sanitization. A thorough cleaning eliminates not just the obvious dirt and organic debris, but also over 90% of harmful germs. Sanitizer is sprayed after a surface has been cleansed extensively.

VII. CONCLUSION

'It is health, not gold and silver, that is real wealth,'

-Mahatma Gandhi

What this means is that eating healthy, well-balanced meals is essential to maintaining excellent health. The food we eat has an impact on us all. For people all around the globe, food is more than simply fuel; it is an integral part of their culture and identity. Aside from flavour and nutrition, a less exciting but maybe more important part of food is the rules that people follow to ensure its safety when preparing, selling, serving, and consuming it. In today's environment, people are increasingly concerned about eating food that isn't safe. Concerns about food security and safety have far-reaching consequences for people's health. Population health and quality of life are enhanced by these procedures, which lessen the likelihood of food poisoning, safeguard against diseases, guarantee nutritional value, control allergies, cut down on food waste, build trust, and reduce financial burdens. Concerns about the prevalence and severity of food-borne hazards are at the forefront of food safety efforts, which culminate in the consumption phase. All links in the food chain must be subject to rigorous control measures since food safety problems might arise at any stage. People at every stage of the food chain must work together to ensure that consumers can eat safe food. Current practices in environmental, animal, and plant health management make it difficult to combine two vital fields of study. Potentially necessary national-level organizational reforms are necessary to achieve a true multidisciplinary and One Health plan. While food safety systems in developed nations tend to be more robust and well-established, this is not always the case in developing nations. A National Food Safety Policy and a Safety Council should, therefore, be initiated by

developing nations. All businesses dealing with food should also adhere to GMP, GHP, and HACCP regulations. It is especially important to consider regulatory framework and legal regulation in light of the current socio-legal, political, and rising human rights philosophy at the international and national levels. Modernization, westernisation, and liberalisation instilled in human life are unavoidable and are bound to exacerbate the situation against the conceptual framework formed during the nineteenth and twentieth century's. In this context, research for legal regulation is urgently needed.