

**Ministry of Health and Family Welfare  
Department of Health and Family Welfare  
[Food Regulation Section]**

**Nirman Bhawan, New Delhi 110011  
Dated 28.09.2017**

**Subject: Amendments in the Food Safety and Standards Rules, 2011.**

Sub-section (1) of section 36 of the Food Safety and Standards Act, 2006 provides that the Commissioner of Food Safety shall, by order, appoint the Designated Officer, who shall not be below the rank of a Sub-Divisional Officer, to be in-charge of food safety administration in such area as may be specified by regulations. Further, the qualification for the appointment of Designated Officer and power and duties have been prescribed in Chapter 2 – Enforcement Structure and Procedures, Rule 2.1.2 of the Food Safety and Standards Rules, 2011 made under section 91 of the said Act, 2006. The said rules are reproduced below:-

**"2.1.2: Designated Officer**

**1. Qualification**

(i) the Designated Officer shall be a whole time Officer, not below the rank of Sub-Divisional Officer or equivalent and shall possess a minimum of bachelors' degree in Science with chemistry as one of the subjects or at least one of the educational qualifications prescribed for the Food Safety Officer.

(ii) He shall undergo training as may be specified by the Food Authority, within a period of six months from the date of his appointment as Designated Officer.

(iii) (a) persons having been appointed as food Inspector having qualification prescribed under the PFA Rules, 1955 or as Local Health Authority shall be eligible for appointment as Designated Officer, subject to fulfilling such other conditions as may be prescribed for the post of Designated Officer by the State Government.

(b) At the time of commencement of these rules, the post of designated Officer is held by any other officer of equivalent rank as additional charge basis such other officer shall continue to hold such additional charge till such time a whole time Designated Officer is appointed or for a period of eight years whichever is earlier.

**2. Powers and duties:**

(i) The powers and duties of the Designated Officer shall be as mentioned in section 36 (3) of FSS Act, 2006.

(ii) The Designated officer shall function under overall supervision of collector/ District Magistrate of the District.

(iii) The Designated Officer shall, in addition to the powers specified in Section 36 (3) of FSS Act, 2006, also ensure the refund of fee for analysis paid by the purchaser as per the provision of Section 40 (1), besides the cost of the sample.



(iv) The Designated Officer shall ensure timely disposal of redundant samples, in the manner notified for the seized materials, by the Commissioner of Food Safety.

(v) Without prejudice to anything contained in the aforesaid Rules, the Designated Officer shall have all administrative powers which may include suspension, cancellation or revocation of the license of the Food Business Operator in case any threat or grave injury to public, has been noticed in the report of the Food Analyst:

Provided that while taking such administrative action the procedure described in the Act and Regulations shall be followed."

2. It has been brought to the notice of the Ministry that some of the States Government and Union Territories Administration are facing difficulties in appointing the Designated Officer of the rank of Sub-Divisional Officer, possessing a minimum of bachelors' degree in science with Chemistry as one of the subjects or at least one of the educational qualifications prescribed for the Food Safety Officer which are of technical nature. This situation is resulting in hindrance in appointment of designated officer on a regular basis. Further, it is provided under clause (ii) of sub-rule 2 of rule 2.1.2 of the said Rules that the Designated Officer shall function under overall supervision of Collector or District Magistrate of the District. It is felt that the Collector or District Magistrate having multifarious responsibilities of the District and some time specially during festivals, election duties particularly in bigger Districts, the Collector or District Magistrate may not find sufficient time to discharge day to day functions required under the aforesaid Rules.

3. Keeping in view of the above and experience gathered over the period of the administration of the said Act, it is proposed to delete the requirement of science graduate with Chemistry and possessing one of the education qualifications prescribed for Food Safety Officer under the said Rules, for appointment as Designated Officer. It will give flexibility and more manpower will be available for appointment as Designated Officer. Further, it is also proposed that the responsibilities of supervision of administration of the Designated Officer may be delegated to Additional Collector or Additional District Magistrate or Sub-Division Officer for effective administration of said Act. It is also relevant to mention herethat the said proposals are in consonant with section 36 of the said Act as the said section no where provides any qualification for the post of Designated Officer except that the Designated Officer shall not be below the rank of a Sub-Divisional Officer.

4. In the above background, it is proposed to amend Rule 2.1.2 of the Food Safety and Standards Rules, 2011 as per the draft notification annexed.

5. Comments or suggestions, if any, may be addressed to Shri Rakesh S. Nayal, Under Secretary (Food Regulation), R.No.752-A, Ministry of Health and Family Welfare, Deptt. of Health and Family Welfare, Nirman Bhawan, Maulana Azad Road, New Delhi-110108 or sent on email at [rakesh.nayal@nic.in](mailto:rakesh.nayal@nic.in), for consideration, latest by 31.10.2017

.....



(To be published in PART II-Section 3-Sub-section (i) of the Gazette of India EXTRAORDINARY)  
Ministry of Health and Family Welfare

Department of Health and Family Welfare  
Notification

New Delhi

Dated ....., 2017

G.S.R. – In exercise of the powers conferred by section 91 of the Food Safety and Standards Act, 2006 (34 of 2006), the Central Government hereby makes the following rules further to amend the Food Safety and Standard Rules, 2011:-

- 1 (1) These rules may be called the Food Safety and Standards (Second Amendment) Rules, 2017.  
(2) They shall come into force on the date of their publication in the Official Gazette.
- 2 In the Food Safety and Standard Rules, 2011, (hereinafter to be referred as rules) in rule 2.1.2, in sub-rule 1, relating to qualification,-
  - (a) in clause (i) the portion beginning with the words "and shall possess" and "ending with the words "under these rules" shall be omitted;
  - (b) in clause (i) so amended at the end the following Proviso shall be inserted, namely,-

"Provided that the Commissioner of Food Safety with the previous approval of the State Government as additional charge basis may appoint Sub-Divisional Officer of the area as Designated Officer;
  - (c) In clause (ii), at the end the following Proviso shall be inserted, namely,-

"Provided that Sub-Divisional Officer of the area appointed as Designated Officer under the Proviso of Clause (i) shall not require to undergo such training".
- 3 In the said rules in rule 2.1.2, in sub-rule 2, after clause (ii) the following clause shall be inserted, namely,-

"(iiA) Where Collector or District Magistrate as the case may be, considered it expedient and necessary such Collector or District Magistrate, may delegate powers exercisable under clause (ii) to a Additional Collector or Additional District Magistrate and Sub-Divisional Officer of the area."

[F.No. P.15025/242/2015-FR]

  
(Sudhir Kumar)

Joint Secretary to the Government of India.

Note:- The principal rules were published in the Gazette of India, Extraordinary, Part-II Section 2, Sub-section (i), vide number G.S.R. 362 (E), dated the 5<sup>th</sup> May, 2011 and last amended vide notification G.S.R. 57 (E), dated the 13<sup>th</sup> January, 2017.