
UNIT 10 FOOD SAFETY AND STANDARDS-II

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10.1 OBJECTIVES

After studying this unit, the learner shall be able to:

explain the objectives and purpose behind the enactment of the Bureau of Indian Standards Act, 2016 as well as its salient features and framework;

explain the key features of the Packaging Commodity Rules, 2011;

explain the objective and salient features of the Legal Metrology Act, 2009;

learn the contents of Cold Storage Order, 1980;

explain the objectives and salient features of the Solvent-Extracted Oils, De-Oiled Meal and Edible Flour (Control) Order, 1967 and Vegetable Oil Products Control Order, 1998;

explain the objectives and salient features of the Export (Quality Control and Inspection) Act, 1963; and

understand the functioning and importance of the Codex Alimentarius Commission (CAC).

10.2 INTRODUCTION

We all are consumers in one form or the other. A consumer is a user of goods or services; obviously, therefore, every producer or manufacturer or service provider is also a consumer. However, conflicting interests have categorised them, inevitably, into two different groups. Further, the expanding markets necessitated the introduction of various intermediaries between the producer and the ultimate consumer resultantly, unfair and deceptive practices such as selling of defective or sub-standard goods or providing deficient services, charging exorbitant prices, misrepresenting the efficiency or usefulness of goods and services, negligence as to safety standards, etc., became rampant. It has, therefore, become necessary to evolve statutory measures to make the manufacturers of goods or providers of services more accountable to their consumers.

Consumer protection movement is a part of global recognition and there is a growing concern about consumers being the weaker party in buying goods or in availing services as compared to the manufacturers or traders producing and selling them or service providers providing such services. Consequently, consumers' awareness about their legitimate rights has been constantly growing in the recent years.

Normally, in an economy, industries, industrialist and service providers compete with each other in order to sale goods and services to the consumers. Accordingly, they are under an obligation to safeguard the interests of consumers; however, sometimes we observe that the consumers are exploited by the adoption of unfair and restrictive trade practices by such persons. It is also observed that a common consumer has always remained at a weaker footing in order to resist or challenge the wrongdoings of suppliers of goods and services. Therefore, even in a free market economy a consumer needs protection of his rights by the legal authority. Consumer protection is necessary even in a controlled economy where public enterprises play a dominant role since consumers are likely to be denied their rights as consumers.

Most consumers buy goods and services after being lured by advertisements exaggerating the contents and quality of their products or services. Legal support to them is required if they are to be protected from the exploitation and deception by the suppliers so that erring vendors are brought to book.

India has remained a pioneer in accelerating consumer movement and for this purpose the Parliament and Government of India have taken necessary steps for protection of the interest of the consumers as well as the industries or traders and to maintain a harmonious balance between the two and a number of legislations have been enacted by the Parliament for establishment of appropriate regulatory authorities by adopting preventive, protective and curative measures for the benefit of consumers.

In this unit we will discuss some of such important legislative works either in the form of principal legislations or subordinate legislations. In this unit we will, *inter alia*, also explain the need for the Bureau of Indian Standards Act, 2016 and the salient features of the said Act.

10.3 BUREAU OF INDIAN STANDARDS ACT, 2016

10.3.1 Need for the Bureau of Indian Standards Act, 2016

In India the concept of the Bureau of Indian Standards (BIS) came into existence, through an Act of the Parliament known as the Bureau of Indian Standards Act, 1986 with a broadened scope and more powers taking over the staff, assets, liabilities and functions of the erstwhile ISI. Through this change over, the government envisaged building a climate for quality control, culture and consciousness and greater participation of consumers in the formulation and implementation of national standards.

As per the scheme of the Bureau of Indian Standards Act, 1986 the Bureau of Indian Standards (BIS) is the National Standard Body of India established for the harmonious development of the activities of standardisation, marking and quality certification of goods and for matters connected therewith or incidental thereto.

As per its constitution under the Act of 1986, the Bureau is a body corporate consisting of twenty-five members representing both Central and State governments, Members of Parliament, industry, scientific and research institutions, consumer organisations and professional bodies; with Union Minister of Consumer Affairs, Food and Public Distribution as its President and with Minister of State for Consumer Affairs, Food and Public Distribution as its Vice-President.

The core activities of BIS are standard formulation and certification of articles and processes under licence. The BIS has the power to grant licence to use the standard mark under Section 10 of the Bureau of Indian Standards Act, 1986. The World Trade Organisation (WTO) agreement on Technical Barriers to Trade encourages all member countries to adopt International Standards and also to move towards mutual recognition of certification systems. WTO guidelines also provide that enforcement of standards should have uniform application for both domestic industry and imported goods. In view of the increasing significance of standards and conformity assessment systems in world trade, it is essential that the BIS re-orient itself to adequately address the future challenges as the National Standards Body of India.

The existing BIS is providing traceability and tangibility benefits to the national economy in a number of ways by providing safe and reliable quality goods, minimising health hazards to consumers, promoting exports and imports substitutes, control over proliferation of varieties etc, through standardisation, certification and testing.

Keeping in view the interests of consumers as well as the industry, the BIS is as on date involved in various activities as mentioned hereunder:

- i) Standards Formulation
- ii) Product Certification Scheme
- iii) Compulsory Registration Scheme
- iv) Foreign Manufacturers Certification Scheme
- v) Hallmarking Scheme
- vi) Laboratory Services
- vii) Laboratory Recognition Scheme
- viii) Sale of Indian Standards
- ix) Consumer Affairs Activities
- x) Promotional Activities
- xi) Training Services (at National & International levels)
- xii) Information Services.

However, under the Bureau of Indian Standards Act, 1986, the BIS is not formally recognised as the National Standards Body of India, even though it has been representing India in various international bodies. The BIS Act, 1986 also does not provide for recall of sub-standard ISI marked products, hallmarking of precious metal articles, compounding of offences, etc. Provisions related to formulation of standards and conformity processes are also required to be aligned with the best global practices. Further, the said Act restricts the list of items to those referred to in the Schedule of the Industries (Development and Regulation) Act, 1951, which can be brought under the ambit of mandatory compliance by manufacturers.

In the aforesaid background and in view of the increasing significance of standards and conformity assessment systems in World Trade, and to address the aforesaid issues and future challenges in the area, comprehensive amendments were required in the present Bureau of Indian Standards Act, 1986 to adequately protect the interests of the consumers. Therefore, the Government of India came up with a proposal to enact a new legislation and repeal the existing Bureau of Indian Standards Act, 1986, which aim was finally achieved by the enactment of the Bureau of Indian Standards Act, 2016.

10.3.2 The New Bureau of Indian Standards Act, 2016

The Bureau of Indian Standards Bill, 2015 was introduced in Lok Sabha on August 7, 2015, which was ultimately enacted by the Parliament in the form of the Bureau of Indian Standards Act, 2016 (No. 11 of 2016) (in short, the BIS Act, 2016) and received the assent of the President on the 21st March,

2016. However, the Act shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, which date is yet to be appointed by the Central Government.

The Bureau of Indian Standards Act, 2016 has been enacted by the Parliament in order to provide for the establishment of a national standards body for the harmonious development of the activities of standardisation, conformity assessment and quality assurance of goods, articles, processes, systems and services and for matters connected therewith or incidental thereto.

10.3.3 Objectives of the Act

The Bureau of Indian Standards Act, 2016 intends to replace the Bureau of Indian Standards Act, 1986. For the purposes of standardisation, marking and certification of articles and processes, the Bureau of Indian Standards Act, 2016, *inter alia*, seeks to provide for —

- i) establishment of Bureau of Indian Standards as the National Body of Standards to specify standards for goods, articles, processes, systems and services;
- ii) bureau to exercise its powers through the Governing Council which shall consist of a President and other Members;
- iii) standards to be specified for all goods, articles, processes, systems and services notified by the Central Government to protect human, animal and plant health, safety of environment and national security;
- iv) to empower the Central Government to appoint and authorise any other authority, in addition to the Bureau of India Standards, to verify the conformity of product and services to the specified Standard;
- v) to enable and empower the Central Government to bring under compulsory certification regime any article, process or service which is considered necessary from the point of view of health, safety, environment and national security;
- vi) to allow multiple types of conformity assessment schemes in tune with global best practices including self declaration of conformity against any Standard;
- vii) to enable mandatory hallmarking of precious metal articles;
- viii) to enable the Bureau to authorise sellers or retailers to sell specified standards, marked or hallmarked articles like gold or silver jewellery;
- ix) to prevent the misuse of Standard Mark;
- x) to prohibit manufacture, import, distribute, sell, hire, lease, store or exhibit for sale of any goods, articles or services without standards;
- xi) to provide for compounding of offences and also make certain offences cognisable; and
- xiii) to repeal the Bureau of Indian Standards Act, 1986 (63 of 1986).

10.3.4 Salient Features of the Act

The Bureau of Indian Standards Act, 2016 seeks to broaden the ambit of standardisation and quality assurance of goods and services and allow the Central

Government to make it mandatory for certain notified goods, articles, processes, etc, to carry the standard mark. The main features of the Act are as under :

- i) The Act makes provisions to include goods, services and systems within its ambit which were not available under the Bureau of India Standards Act, 1986 as the latter Act deals with standardisation, marking and certification processes applied to certain articles and processes only. For bringing in more clarity and certainty, the new Act of 2016 defines the terms “good”, “service”, “article”, “process” and “system”.
- ii) The Act provides for the establishment of the Bureau of Indian Standards, which shall be a national body, to formulate, implement and certify certain standards of quality for goods, services, articles, processes and systems.
- iii) Under the provisions of the Act the Bureau shall constitute technical committees of experts for the purpose of formulating such standards.
- iv) The Act constitutes a Governing Council which would be responsible for looking at the general superintendence, direction and management of the Bureau.
- v) The Act provides for certification of precious metals. A hallmark shall be used to certify precious metal articles including silver, gold, platinum and palladium or their alloys. A hallmark indicates a proportionate content of the precious metal in the article, as per the Indian Standards and such articles shall be sold in certified sales outlets.
- vi) The Act provides for Certification of goods, services, articles, etc. For the aforesaid purposes under the Act, the Bureau shall be a licensing authority for quality standards. A person may apply to the Bureau for a license to use a standard mark, or a certificate of conformity, depending on the good, article, process, etc. A license or certificate of conformity indicates that the item conforms to the Indian Standards as set by the Bureau.
- vii) The Act provides for the establishment and maintenance of testing laboratories by the Bureau for quality assurance and conformity assessment of goods, articles, services, etc.
- viii) The Act makes provisions for mandatory certification of certain goods. The Act allows the Central Government to notify certain goods, articles, etc, which shall be required to compulsorily carry a standard mark. Such goods or articles shall be notified by the government if it thinks them to be necessary for-
 - a) public interest or for the protection of human, animal or plant health,
 - b) safety of the environment,
 - c) prevention of unfair trade practices, or
 - d) National security.
- ix) The Act provides for recall of goods, services, articles etc. Under the provisions of the Act, the Bureau may recall a good or article which is already out for sale or supply. This shall be done if the Bureau is convinced that the good or article does not conform to the requirements of a particular standard.

- x) The Act also provides for imposition of penalties, under which the penalty for improper use of the Indian Standard Mark shall be a fine of up to five lakh rupees. The Act also prescribes penalties for:
 - a) the improper use of the standard mark by testing and marking centres; and
 - b) manufacturing or selling goods and articles which do not carry a standard mark and have been mandated to do so, among others.
- xi) The Act provides for compounding of offences punishable with fine except when a person has committed such an offence for the second time or if such an offence committed by him has been compounded earlier.
- xii) When a company commits an offence under the Act, the persons responsible for or in charge of, the company will be presumed to be guilty irrespective of whether the offence was committed with or without their knowledge, consent or connivance.
- xiii) The Act also provides for preferring an appeal against an order regarding the granting of a license or certificate of conformity, or compounding of offences, which may be made to the Director General of the Bureau. A further appeal against the order of the Director General may then be made to the Central Government.

10.3.5 Framework of the Act

The Act comprises of a total of 43 sections divided into five Chapters. The provisions of the Act are as under:

- 1) Section 1 provides for the short title, extent and commencement of the Act;
- 2) Section 2 seeks to define various words and expressions used in the Act, which, *inter alia*, include, 'article', 'assaying and hallmarking centre', 'Bureau', 'conformity assessment scheme', 'Executive Committee', 'Governing Council', 'Hallmark', 'Indian Standards', 'Indian Standards Institute', 'recognised testing and marking centre', 'registering authority', 'Standards', 'Standard Mark', 'testing laboratory' etc.;
- 3) Section 3 provides for the establishment of the Bureau of Indian Standards and the constitution of the Governing Council;
- 4) Section 4 provides that the Governing Council may, with the prior approval of the Central Government, by notification in the official Gazette, constitute an Executive Committee;
- 5) Section 5 provides that the Governing Council may, from time to time and as and when it is considered necessary, constitute Advisory Committees for the efficient discharge of the functions of the Bureau;
- 6) Section 6 provides that no act or proceedings of the Governing Council shall be invalid merely by reason, *inter alia*, of any vacancy in, or any defect in the constitution of, the Governing Council;
- 7) Section 7 provides for the appointment of the Director General of the Bureau. This section further provides for the terms and conditions of service

of the Director General of the Bureau. This section also provides that the Director General of the Bureau shall be the Chief Executive Authority of the Bureau;

- 8) Section 8 provides for the appointment of officers and employees of the Bureau and their terms and conditions of service;
- 9) Section 9 provides for the powers and functions of the Bureau;
- 10) Section 10 provides for the provisions regarding Indian Standards. This section provides that the Bureau may establish, publish, review and promote the Indian Standards in relation to any goods, articles, process, system or service in such manner as may be prescribed. This section further provides that the Bureau shall constitute, as and when considered necessary, such number of technical committees of experts for the formulation of standards in respect of goods, articles, processes, systems or services, as may be necessary. This section also provides that notwithstanding anything contained in any other law, the copyright in an Indian Standard or any other publication of the Bureau shall vest in the Bureau;
- 11) Section 11 provides that no individual shall, without the authorisation of the Bureau, in any manner or form, publish, reproduce or record any Indian Standard or part thereof, or any other publication of the Bureau. This section further provides that no person shall issue a document that creates, or may create the impression that it contains an Indian Standard;
- 12) Section 12 provides for the Conformity Assessment Scheme;
- 13) Section 13 makes provisions for grant of licence or certificate of conformity;
- 14) Section 14 provides for the certification of Standard Mark of jewellers and sellers of certain specified goods or articles;
- 15) Section 15 provides that no person shall import, distribute, sell, store or exhibit for sale, any goods or articles except under certification from the Bureau. This section further provides that no person, other than the person certified by the Bureau, shall sell or display or offer to sell goods or articles;
- 16) Section 16 makes provisions for the Central Government to direct compulsory use of Standard Mark;
- 17) Section 17 makes provisions for the prohibition to manufacture, sell, etc., of certain goods without the Standard Mark;
- 18) Section 18 provides that the licence holder shall, at all times, remain responsible for conformance of the goods, articles, processes, systems or services carrying the Standard Mark. This section further provides that it shall be the responsibility of the distributor or the seller, as the case may be, to ensure that goods, articles, processes, systems or services carrying the Standard Mark are purchased from a certified body or licence holder. This section also seeks to provide that every certified body or licence holder shall supply the Bureau with such information and with such samples of any material or substance used in relation to any goods, article, process, system or service, as the case may be, as the Bureau may require for monitoring its quality and for the recovery of the fee as may be prescribed in the certificate of conformity or the licence;

- 19) Section 19 provides that the Central Government may, after due appropriation made by the Parliament by law in this behalf, make to the Bureau grants and loans of such sums of money as the Government may consider necessary;
- 20) Section 20 provides for the funds of the Bureau;
- 21) Section 21 makes provisions regarding the powers of the Bureau to borrow money;
- 22) Section 22 makes provisions that the Bureau shall prepare, in such form and at such time in each financial year as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the Bureau and forward the same to the Central Government;
- 23) Section 23 makes provisions regarding the annual report of the Bureau;
- 24) Section 24 makes provisions regarding the account and audit of the Bureau;
- 25) Section 25 provides for the powers of the Central Government to give directions to the Bureau on question of policy;
- 26) Section 26 makes provisions regarding the restriction on the use of name of the Bureau;
- 27) Section 27 provides for the appointment and powers of certification officers;
- 28) Section 28 makes provisions regarding the power of search and seizure of the certification officer;
- 29) Section 29 makes provisions regarding the penalty for contravention of certain provisions of the Act;
- 30) Section 30 makes provisions relating to offences by companies;
- 31) Section 31 provides that where a holder of licence or certificate of conformity or his representative has sold any goods, article, process, system or service, which bears a Standard Mark not conforming to the relevant standard, or with colourable imitation, the certified body or licence holder or his representative shall be liable to compensate the consumer for the injury caused by such non-conforming goods, article, process, system or service;
- 32) Section 32 makes provisions regarding cognisance of offences by courts;
- 33) Section 33 makes provisions for compounding of offences;
- 34) Section 34 makes provisions regarding filing of appeal by any person aggrieved by an order made under certain provisions of the Act;
- 35) Section 35 provides that all members, officers and other employees of the Bureau shall be deemed, when acting or purporting to act in pursuance of any of the provisions of the Act, to be public servants within the meaning of Section 21 of the Indian Penal Code, 1860;
- 36) Section 36 makes provisions regarding protection of action taken in good faith;
- 37) Section 37 makes provisions for authentication of orders and instruments of the Bureau;

- 38) Section 38 makes provisions for the powers of the Central Government to make rules;
- 39) Section 39 makes provisions for the powers of the Executive Committee to make regulations;
- 40) Section 40 makes provisions regarding laying of the rules and regulations before the Parliament;
- 41) Section 41 provides that the provisions of the Act shall not affect certain other Acts;
- 42) Section 42 makes provisions regarding power to remove difficulty;
- 43) Section 43 provides for repeal and saving.

Check Your Progress 1

- 1) What are the Objectives of The Bureau of Indian Standards Act, 2016?
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- 2) Explain the salient features of The Bureau of Indian Standards Act, 2016.
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- 3) Highlight the Framework of The Bureau of Indian Standards Act, 2016.
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10.4 PACKAGING COMMODITY RULES, 2011

The Central Government in the Ministry of Consumer Affairs, Food and Public Distribution, Department of Consumer Affairs has framed and published the Legal Metrology (Packaged Commodities) Rules, 2011. The said rules have been published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide notification number G.S.R. 202 (E), dated the 7th March, 2011. The said rules came in to force on the 1st Day of April, 2011.

The said rules have been framed by the Central Government in exercise of the powers conferred by sub-section (1) read with clauses (j) and (q) of sub-section (2) of Section 52 of the Legal Metrology Act, 2009 (1 of 2010).

The Legal Metrology (Packaged Commodities) Rules, 2011 have been framed by the Central Government in order to implement the provisions of Section 18 and sub-section (2) of Section 36 of the Legal Metrology Act, 2009.

Section 18 of the Act 1 of 2010 provides that no person shall manufacture, pack, sell, import, distribute, deliver, offer, expose or possess for sale any pre-

packaged commodity unless such package is in accordance with the prescribed standard quantities or number and bears thereon such declarations and particulars. The said section further provides that any advertisement mentioning the retail sale price of a pre-packaged commodity shall contain a declaration as to the net quantity or number of the commodity contained in such package.

Sub-section (2) of Section 36 of the Legal Metrology Act, 2009 makes provisions for punishment in cases where any pre-packaged commodity is offered for sale with error in the prescribed net quantity.

The provisions under the rules have been divided into seven chapters and also contain seven Schedules.

10.5 LEGAL METROLOGY ACT, 2009 (1 OF 2010)

The term 'Legal metrology' deals with that part of metrology which treats units of weight and measurement, methods of weight and measurement and weighing and measuring instruments, in relation to the mandatory technical and legal requirements which have the object of ensuring public guarantee from the security and accuracy point of view of the weightings and measurements.

The Act has been implemented with effect from 1st April, 2011 with the objective to establish and enforce standards of weights and measures, regulate trade and commerce in weights, measures and other goods which are sold or distributed by weights, measures or number and for matters connected therewith or incidental thereto.

The Act has repealed the Standards of Weights and Measures Act, 1976 and the Standards of Weights and Measures (Enforcement) Act, 1985.

10.5.1 Objectives of the Act

In India the uniform standards of weights and measures based on the metric systems were established in the year 1956. In order to give effect to the international systems of units, the said system were revised in the year 1976 with the enactment of the Standards of Weights and Measures Act, 1976 which provided for the establishment of Standards of Weights and Measures, regulation of inter-state trade or commerce in weights and measures and other goods which are sold by weight, measure or number.

Further, in the year 1985, the Standards of Weights and Measures (Enforcement) Act, 1985 was enacted for the enforcement of standards of weights and measures established by or under the Standards of Weights and Measures Act, 1976.

However, the advancement of technology has necessitated the review of the above mentioned enactments to make them simple, to eliminate obsolete regulations, to ensure accountability and to bring transparency in the system. Therefore, it has become imperative to combine the provisions of the said two Acts to get rid of the anomalies and make the provisions simple. It has also become necessary to keep the regulations pragmatic to the extent required for protecting the interest of consumers and at the same time keep the industry free from undue interference. It has also become necessary to recognise certain Government approved test centres which will be empowered to verify the prescribed weight or measure. Therefore, keeping in view the aforesaid factors and objectives the Legal Metrology Act, 2009 was passed by both the Houses

of Parliament and received the assent of the President of India on the 13th January, 2010. The Act came into force on the 1st April, 2011. The Legal Metrology Act, 2009 has repealed the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Enforcement) Act, 1985 (54 of 1985).

10.5.2 The Salient Features of the Act

The Act provides for -

- a) regulation of weight or measure used in the transaction or for protection;
- b) approval of model of weights or measures;
- c) verification of prescribed weight or measure by a Government approved Test Centre;
- d) prescribing qualification of legal metrology officers appointed by the Central Government or State Government;
- e) exempting regulation of weight or measure or other goods meant for export;
- f) levy of fee for various services;
- g) nomination of a Director by a company who shall be responsible for complying with the provisions of the enactment;
- h) penalty for offences and compounding of offences;
- i) appeal against decisions of various authorities; and
- j) empowering the Central Government to make rules for enforcing the provisions of the Act.

10.5.3 Weight and Measures to be at par with International Standards

The Act further provides that every unit of weight or measure shall be in accordance with the metric system based on the international system of units. Under the Act, the base of unit of-

- i) length is specified as metre;
- ii) mass is specified as kilogram;
- iii) time is specified as second;
- iv) electric current is specified as ampere;
- v) thermodynamic temperature is specified as Kelvin;
- vi) luminous intensity is specified as candela; and
- vii) amount of substance is specified as mole.

10.5.4 Establishment of Indian Institute of Legal Metrology

The Act also provides for establishment of the Indian Institute of Legal Metrology, Ranchi. This Institute is responsible for providing training in the field of Legal Metrology to the Legal Metrology Officers of Central and State Governments.

10.5.5 Establishment of Standard Laboratories

Regional Reference Standard Laboratories are situated at Ahmedabad, Bangalore, Bhubaneswar, Faridabad and Guwahati. These laboratories are working as a central agencies between the apex laboratory and State Government laboratories for traceability of standards. These laboratories are also responsible for the testing of models of weights and measures, verification of secondary standards of State Government, calibration of sophisticated weighing and measuring instruments, consumer awareness programmes etc.

10.5.6 Framework of the Legal Metrology Act and Rules

The Legal Metrology Act, 2009 comprises of a total of 57 sections divided into five chapters.

For the effective implementation of Legal Metrology Act, 2009 the following rules have been framed under the provisions of the Act-

- i) The Legal Metrology (Packaged Commodities) Rules, 2011
- ii) The Legal Metrology (Approval of Models) Rules, 2011
- iii) The Legal Metrology (Numeration) Rules, 2010
- iv) The Legal Metrology (General) Rules, 2011
- v) The Legal Metrology (National Standards) Rules, 2011
- vi) The Indian Institute of Legal Metrology Rules, 2011
- vii) The Legal metrology (Government Approved Test Centre) Rules, 2013

10.5.7 Rules Framed by the State Governments

The State Governments have also framed their respective State Legal Metrology (Enforcement) Rules for the implementation of the Act.

10.5.8 Responsibility of the Centre and the States in Relation to Weights and Measures

Weights and measures unit in the Department under the Ministry of Food and Consumer Affairs plays the role of a nodal agency for the legal arrangement, enforcement, training of personnel of Central as well as States Governments, Regional Reference Standards Laboratories and International Co-operation and works in coordination with the different State Governments in achieving the aforesaid objective as envisaged by the Act.

Check Your Progress 2

- 1) What are the Objectives of the Legal Metrology Act, 2009?

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- 2) Explain the salient features of the Legal Metrology Act, 2009.

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10.6 COLD STORAGE ORDER, 1980

Cold Storage is a special kind of room, the temperature of which is kept very low with the help of machines and precision instruments. India is having a unique geographical position and a wide range of soils thus producing a variety of fruits and vegetables like apples, grapes, oranges, potatoes, chillies, ginger, etc. Marine products are also produced in large quantities due to large coastal areas.

The present production level of fruits and vegetables is more than 100 MT, and keeping in view the growth rate of population and demand, the production of perishable commodities is increasing every year. The cold storage facilities are the prime infrastructural component for such perishable commodities. Besides the role of stabilising market prices and evenly distributing both on demand basis and time basis, the cold storage industry renders other advantages and benefits to both farmers and consumers. The farmers get an opportunity of producing cash crops to get remunerative prices. The consumers get the supply of perishable commodities with lower fluctuation of prices. Commercially saleable apples, potatoes and oranges are stored on a large scale in cold storages. Other important costly raw materials like dry fruits, chemicals, essences and processed foods like fruit juice or pulp, concentrated dairy products, frozen meat, fish and eggs are stored in cold storages to regulate marketing channels of these products.

The Directorates of Agricultural Marketing and Inspection in the State Governments and the Government of India regulate the cold storage industry under Cold Storage Order, 1980, promulgated under Essential Commodities Act, 1955 all over India except in the States of UP, West Bengal, Punjab and Haryana and provisionally in Bihar. State Governments are regulating the industry in their respective States under their respective Acts or Orders.

The Ministry of Agriculture and Farmers' Welfare has now repealed the Cold Storage Order and advised the State Governments also to repeal it totally. With the repeal of this Order, the cold storage industry will be able to enter the market free from all kinds of administrative interference.

10.7 THE SOLVENT-EXTRACTED OILS, DE-OILED MEALS AND EDIBLE FLOUR (CONTROL) ORDER, 1967 AND THE VEGETABLE OIL PRODUCTS CONTROL ORDER, 1998

These two Orders control the production and distribution of solvent extracted oils, de-oiled meals, edible oil seed flours and hydrogenated vegetable oils (Vanaspati).

10.7.1 Solvent Extracted Oils, De-oiled Meals and Edible Flour Control Order, 1967

Purpose and Objectives of the Order

This Order was framed by the Central Government in exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (10 of 1955),

which was published in the Gazette of India vide notification number G.S.R. 410 dated 17th March, 1967.

This Order is framed by the Government in order to ensure that the solvent extracted oils in particular are not reached to the consumers for consumption before the same are refined and conform to the quality standards specified in the said Order for the purpose. In this Order the Standards for the solvent, which are used for extraction of oil from the oil-bearing materials have also been specified so as to eliminate any possible contamination of the oil from the solvent used.

Salient Features

The salient features of the Order are as under:

- i) It makes provisions for regulation of the manufacture, quality and movement of solvent extracted oils, de-oiled meals and edible flour;
- ii) It provides for consumer protection through quality assurance of solvent extracted oils, de-oiled meal and edible flour;
- iii) It provides for elimination of the possibility of diversion of the oils for uses not intended;
- iv) It provides for prohibition in respect of offer to buy, use or stock for use any solvent not conforming to the quality standards for extraction of vegetable oils; and
- v) It specifies particulars to be declared on the label affixed to the container. This Order has, however, been repealed by vide notification number F. No. P-15025/41/11-DFQC, dated 4th August, 2011, with effect from 5th August, 2011, after coming into force of the Food Safety and Standards Act, 2006 and rules and regulations framed thereunder in terms of provisions of Section 97 read with the Second Schedule of the Act.

10.7.2 Vegetable Oil Products Control Order, 1998

The Vegetable Oil Products industries are being regulated by this Order. The enforcement of this Order is responsibility of the Directorate of Vanaspati, Vegetable Oils and Fats, Department of Food, Public Distribution in the Ministry of Consumer Affairs, Food and Public Distribution.

This Order has been framed by the Central Government in supersession of the two earlier Orders, viz. the Vegetable Oil Products (Control) Order, 1947 and the Vegetable Oil Products (Standards of Quality) Order, 1976.

Salient Features of the Order

The salient features of the Order are as under:

- i) It simplifies the procedure of registration;
- ii) Under this Order the standards of quality as prescribed in the Schedule annexed to the Order, have been made more strict in comparison to the earlier Standards as substituted by this Order;
- iii) The Order confirms the consumers' protection through assured quality of vegetable oil products.

Check Your Progress 3

- 1) Explain the Salient Features of the Vegetable Oil Products Control Order, 1998.

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10.8 EXPORT (QUALITY CONTROL AND INSPECTION) ACT, 1963

10.8.1 Objectives of the Act

Imports and exports are the two important components of foreign trade. Foreign trade is the exchange of goods and services between two countries, across their international borders. ‘Imports’ imply the physical movement of goods into a country from another country in a legal manner. It refers to the goods that are produced abroad by foreign producers and are used in the domestic economy to cater to the needs of the domestic consumers. Similarly, ‘exports’ imply the physical movement of goods out of a country in a legal manner. It refers to the goods that are produced domestically in a country and are used to cater to the needs of the consumers in foreign countries. Thus, imports and exports have made the world a local market. The country which purchases the goods is known as the importing country and the country which sells the goods is known as the exporting country. The traders involved in such transactions are known as importers and exporters respectively.

The Government of India appointed an *ad hoc* Committee on Quality Control and Pre-shipment Inspection to examine the question of enforcing quality control and inspection on various goods exported from India. The Committee, after reviewing the existing statutory provisions relating to the export of goods recommended that a separate legislation should be undertaken that covers all aspects of quality control in respect of export commodities. Considering the recommendations of the Committee the Central Government has come up with a proposal for legislation of the Export (Quality Control and Inspection) Act, 1963 (Act 22 of 1963).

10.8.2 Salient Features of the Export (Quality Control and Inspection) Act, 1963

In India exports and imports are regulated by several laws, *inter-alia*, by the Export (Quality Control and Inspection) Act, 1963. The Act came in to force on 01 January, 1964. The salient features of the Act are as under:

- i) The Act provides for the establishment of an Export Inspection Council to advise the Government regarding the measures to be adopted for the enforcement of quality control and inspection in relation to commodities intended for export and to draw up programmes therefor;
- ii) The Act empowers the Central Government to notify commodities which shall be subject to quality control or inspection prior to export;

- iii) The Act specifies the type of quality control and inspection to be applied to the commodities so notified;
- iv) The Act provides for the establishment, adaptation or recognition of standard specifications for the notified commodities, and prohibits export in the course of international trade of a notified commodity unless it is accompanied by a certificate issued by an agency, established or recognised by the Central Government for that purpose, that the commodity satisfies the conditions relating to quality control and inspection;
- v) The Act also provides for appropriate penalties for contravention of its provisions.

The Export (Quality Control and Inspection) Act, 1963 comprises of a total of 18 sections. In order to keep pace with the developments, the Act was amended by the Parliament in the year 1984.

Check Your Progress 4

- 1) What are the Objectives of the Export (Quality Control And Inspection) Act, 1963?

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- 2) Explain the Salient Features of the Export (Quality Control And Inspection) Act, 1963.

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10.9 CODEX ALIMENTARIUS COMMISSION (CAC)

The Codex Alimentarius, or the food code, has become the global reference point for consumers, food producers and processors, National food Control agencies and the international food trade.

The Codex has a vital impact on the functioning of the food producers and processors as well as on the awareness of the end users, i.e., the consumers. The influence of the Codex extends to every continent and its contribution to the protection of public health and fair practices in the food trade is immeasurable and unmatched.

The present name of the Codex is derived from the term *Codex Alimentarius Austriacus*. Its texts are developed and maintained by the Codex Alimentarius Commission, a body which is created with the main aim to protect the health of consumers and ensure fair practices in the international food trade.

10.9.1 Establishment of the Codex Alimentarius Commission

The Codex Alimentarius Commission (CAC) was created in the year 1961 by Food and Agriculture Organisation of the United Nations (FAO) and later on

in the year 1962, the World Health Organisation (WHO), had also joined the same in order to develop food standards, guidelines and related texts such as codes of practice under the Joint FAO/WHO Food Standards Programme.

10.9.2 Purpose of the Codex

The main purpose of this Programme is to protect the health of consumers, ensure fair practices in the food trade and promote coordination of all food standards work undertaken by international government and non-government organisations.

10.9.3 Codex Alimentarius

The *Codex Alimentarius* (Latin for “Food Code”) is a collection of internationally recognised standards, codes of practice, guidelines and other recommendations relating to foods, food production and food safety.

The Codex Alimentarius is recognised by the World Trade Organisation as an international reference point for the resolution of disputes concerning food safety and consumer protection.

As of 2017, the Codex Alimentarius Commission has 188 members – 187 member countries and one member organisation, i.e., the European Union (EU), 219 observers – 56 IGOs, 147 NGOs and 16 United Nations Organisations.

10.9.4 Scope of the Codex

The Codex Alimentarius covers all foods, whether processed, semi-processed or raw. In addition to the standards for specific foods, the Codex Alimentarius contains general standards covering matters such as food labelling, food hygiene, food additives and pesticide residues, and procedures for assessing the safety of foods derived from modern biotechnology. It also contains guidelines for the management of official, i.e., government import and export inspection and certification systems for foods.

The Codex Alimentarius is published in the six official languages of the United Nations: Arabic, Chinese, English, French, Spanish and Russian. Not all texts are available in all languages.

10.9.5 General Texts of the Codex

The general texts of the Codex are available on the following subject matters :

- i) Food labelling (general standards, guidelines on nutrition labelling, guidelines on labelling claims);
- ii) Food additives (general standards including authorised uses, specifications for food grade chemicals);
- iii) Contaminants in foods (general standards, tolerance for specific contaminants including radionuclides, aflatoxins and other mycotoxins);
- iv) Pesticides and veterinary chemical residues in foods (maximum residue limits);
- v) Risk assessment procedures for determining the safety of foods derived from biotechnology (DNA-modified plants, DNA-modified micro-organisms, allergens etc);
- vi) Food hygiene (general principles, codes of hygiene practices in specific industries or food handling establishments, guidelines for the use of Hazard Analysis and Critical Control Point or “HACCP” system).

10.9.6 Specific Standards of the Codex

The specific standards of Codex are framed on the following subject matters :

- i) Meat products (fresh, frozen, processed meats and poultry);
- ii) Fish and fishery products (marine, fresh water and aquaculture);
- iii) Milk and milk products;
- iv) Foods for special dietary uses (including infant formula and baby foods);
- v) Fresh and processed vegetables, fruits and fruit juices;
- vi) Cereals and derived products, dried legumes;
- vii) Fats, oils and derived products such as margarine; and
- viii) Miscellaneous food products (chocolate, sugar, honey, mineral water)

10.9.7 Codex India

The National Codex Contact Point (NCCP) for India, is located at the Directorate General of Health Services, Ministry of Health and Family Welfare, Government of India. It coordinates and promotes Codex activities in India in association with the National Codex Committee and facilitates India's input to the work of Codex through an established consultation process.

Check Your Progress 5

- 1) Discuss the general texts of the Codex.

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- 2) Discuss the specific standards of the Codex.

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10.10 LET US SUM UP

In this unit we have seen that a number of principal as well as subordinate legislations have been framed in India in order to protect the interests of consumers. We may also see that although various different authorities are functioning simultaneously for regulation of various goods, products and services but there is no conflict of interests among their functioning; rather they are functioning in consonance with each other. In this unit we have also witnessed that at the international level also attempts are being made on a regular basis to make guidelines for better protection of the interests of the common consumers as well as to have a harmonious balance between the interests of the consumers and the traders and manufactures.

10.11 KEY WORDS

- CAC** : The Codex Alimentarius Commission.
NCCP : The National Codex Contact Point.

10.12 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

- 1) Please refer Section 10.3.3
- 2) Please refer Sub-section 10.3.4
- 3) Please refer Sub-section 10.3.5

Check Your Progress 2

- 1) Please refer Sub-section 10.5.1
- 2) Please refer Sub-section 10.5.2

Check Your Progress 3

- 1) Please refer Sub-section 10.7.2

Check Your Progress 4

- 1) Please refer Sub-section 10.8.1
- 2) Please refer Sub-section 10.8.2

Check Your Progress 5

- 1) Please refer Sub-section 10.9.5
- 2) Please refer Sub-section 10.9.6

