

**MINISTRY OF HEALTH AND FAMILY WELFARE
(FOOD SAFETY AND STANDARDS AUTHORITY OF INDIA)**

NOTIFICATION

New Delhi 24th September 2009

No 1-54/08-MMPO/FSSAI—Whereas, the Central Government, in view that for maintaining and increasing the supply of liquid milk of the desired quality in interest of the general public and to provide for regulating the production, supply and distribution of milk and milk product, has made the Milk and Milk Product Order, 1992 in exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955;

And whereas Parliament enacted the Food Safety and Standards Act, 2006 (the said Act) to consolidate the laws relating to food and to establish the Food Safety and Standards Authority of India for laying down science based standards for articles of food and to regulate their manufacture, storage, distribution, sale and import, to ensure availability of safe and wholesome food for human consumption;

And whereas sub-section (1) of Section 99 of the said Act provides that on and from the date of commencement of the said Act, the Milk and Milk Product Order, 1992 shall be deemed to be the Milk and Milk Products Regulations, 1992 under the said Act and sub-section (2) thereof provides that the Food Authority may, with the previous approval of the Central Government and after previous publication, amend the said regulations to carry out the purposes of the said Act;

And whereas the Food Safety and Standards Authority of India, with the previous approval of the Central Government, proposes to make the following regulations further to amend the Milk and Milk Products Order, 1992 and the same is hereby published for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft regulations shall be taken into consideration after the expiry of a period of thirty days from the date on which the copies of the notification is made available to the public;

AND whereas objection and suggestions, if any, may be forwarded to the Chief Executive Officer of the Food Safety and Standards Authority of India, FDA Bhawan, Kotla Rd, New Delhi

DRAFT REGULATIONS

1. (1) These regulations may be called the Food Safety and Standards Authority of India (Milk and Milk Products) Amendment Regulations, 2009
(2) They shall come into force on the date of their final publication in the Official Gazette.
2. In the Milk and Milk Product Order, 1992 (hereinafter referred to as the said Order) in sub-paragraph (1) of paragraph 1, for the words "Milk and Milk Product

Order”, the words and brackets ‘the Food Safety and Standards Authority of India (Milk and Milk Products) Regulations’ shall be substituted.

3. Throughout the said order, for the words ‘the Central Government ‘, wherever they occur, the words “the Food Safety and Standards Authority of India” shall respectively be substituted.
4. In Paragraph 8 of the said order, for sub-paragraph (2), the following sub-paragraph shall be substituted, namely:-
“(2) Every application for registration for new plant or expansion of the capacity of the existing plant or modification thereof shall be accompanied by a fee of Five Thousand Rupees only, through Demand Draft, drawn in favour of the Senior Accounts Officer, Food Safety and Standards Authority of India payable at New Delhi, or as may be revised from time to time by the Food Safety and Standard Authority of India and the fee paid by the applicant for registration, expansion, appeal and any other modification, as the case may be shall not be refunded.”
5. In paragraph 12 of the said order, for sub-paragraph (1), the following sub-paragraph shall be substituted, namely:--
“(1) The Chief Executive Officer of the Food Safety and Standards Authority of India shall be the Controller and shall exercise the powers and functions of the Controller under this Order”.
6. In Paragraph 13 of the said Order, for sub-paragraph (1), the following sub-paragraph shall be substituted, namely:--
“(1) The Food Safety and Standards Authority of India may, by notification in the Official Gazette, and after consultation with the Central Government or as the case may be the State Government, appoint or designate as many officers of the Central or State Government, not below the rank of Deputy Secretary to the Government of India, as the Registering Authority, as it may consider necessary, and specify their respective jurisdiction.”

V.N.GAUR, Chief Executive Officer
[ADVT-III/4/187-O/Exty.]