

Manual 2 (Food Safety)
Powers and duties of officers and employees
{Section 4(1) (b)(ii)}
Powers and duties of officers and staff

S. No.	Designation of post	Powers				Duties assigned
		Administrative	Financial	Statutory	Others	
1	Commissioner Food Safety	Yes	Yes HOD Powers	Yes, As prescribed under Delhi FSSA1 2006	-	As prescribed under FSS Act, 2006 (Annexure D)
2	Deputy Commissioner -I	Yes	-	Yes	-	1. Vigilance Officer 2. Identify space for DO office in each District acquiring space form various agencies and setting up of DO officer during the targeted period. 3. Parliament/Assembly questions. 4. Education, Training, Public Awareness & other miscellaneous matters related to FSS Act. 5. Matters related to Facilitation Centers and DO officers at Mayur Bhawan. 6. Supervision of Accounts Branch, Planning Branch, & Caretaking Branch. 7. First Appellate Authority under RTI Act. 8. Head of Office.

3.	Dy. Commissioner-II (Food Safety)					<ol style="list-style-type: none"> 1. Supervision of the Licensing/Registration work as well as that of designated Officer/Food Safety Officer and Food Testing Laboratory. 2. Upgradation of Food Testing Lab and take over of AGMARK Lab under Deptt. Of Food Safety 3. Monitoring of prosecution Branch and Court Cases. 4. Enforcement. 5. Nodal Officer for PGC/PGMS and other grievances monitoring mechanism, including public complaints.
3	Designated Officer	-	-	Yes, As prescribed under Delhi FSS ACT/Rule/Regulations, 2002 Yes, as prescribed under Delhi FSSACT/Rules, 2006	-	As prescribed under FSS Act, 2006 (Annexure E)
4	Food Analyst	-	-	Yes, As per Section 8 of FSS ACT/Rule/7 of FSS Rules	-	As prescribed under FSS Act, 2006 (Annexure F)

5	Food Officer.	Safety	-	-	As prescribed under FSS Act, 2006	-	As prescribed under FSS Act, 2006 & Rules, 2011
6.	Addl. Prosecutor	Public					1. Pursuing the prosecution cases in the Session Court 2. Examination of cases for appeal in High Court & Supreme Court.
7	Administrative Officer		Yes	-	-	-	Supervision of ministerial work.
	Accounts Officer		-	-	Yes	-	Financial advisor of HOD and vetting the file regarding financial matter and audit.
8	Asstt. Officer	Accounts	-	-	Yes	-	Supervision of Accounts Branch and working as DDO.
9	Chemist		-	-	-	-	To analyze food samples as per standards laid down in FSS Regulation, 2011.
10	Head Clerk (Admn.)		-	-	-	-	Ministerial functions
11	Stenographer Grade II & III		-	-	-	-	Dictation/Typing job.
12	Upper Clerk	Division	-	-	-	-	Ministerial functions
13	Lower Clerk	Division	-	-	-	-	Ministerial functions
14	Field Assistants		-	-	-	-	Assisting FSO in files to Officer. As per instruction of FSO.
15	System Analyst		-	-	-	-	IT Incharge. Computersation of the Department. Implementation of online application. e- governance.

16	Data-entry operator Group – B	-	-	-	-	Entry and updating of Data.
17	Lab Technicians	-	-	-	-	To assist Chemists.
18	Laboratory Cleaner	-	-	-	-	Cleaning & Dusting of Laboratory etc.
19	Sweeper	-	-	-	-	Sweeping & Cleaning
20	Peon	-	-	-	-	Class IV work
21	Driver	-	-	-	-	Driving of Office Vehicle.

Powers and duties of the Commissioner (Food Safety) as per section30 FSS Act-2006

Rule 4 of Delhi FSSAI ACT2006Rules& Regulation-2011..

(1.) The State Government shall appoint the Commissioner of Food Safety for the State for efficient implementation of food safety and standards and other requirements laid down under this Act and the rules and regulations made there under.

(2.) The Commissioner of Food Safety shall perform all or any of the following functions, namely: -

(a) Prohibit in the interest of Public health, The Manufacture, Storage, distribution or sale of any article of food, either in the Whole of the State or any area, or part thereof for such period not exceeding one year, as may be specified in the order notified in this behalf in the Official Gazette.

(b) Carry out survey of the industrial units engaged in the manufacture or processing of food in the State to find out compliance by such units of the Standards notified by the food Authority for various articles of food:

(c) conduct or Organize training Programmers for the personnel of the office of the Commissioner of food Safety and ,on a wider scale, for different segments of food chain for generating awareness on food safety:

(d) Ensure an efficient and uniform implementation of the Standards and other

Requirements as Specified and also ensure a high standard of objectivity, accountability, Practicability, transparency and Credibility:

(e) Sanction prosecution for offences punishable with imprisonment under this act:

(f) Such other functions the State Government may, in consultation with the Food Authority, prescribe.3) The Commissioner of Food Safety may, by order, delegate, subject to such conditions and restricts as may be specified in the order, such of his powers and functions under this Act (except the power to appoint Designated Officer, Food Safety Officer and Food Analyst) as he may deem necessary or expedient to any officer Subordinate to him.)

FSS ACT-2006 Rules & Regulations-2011

Powers and duties of the designated officer:-

1. 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.
2. There shall be a designated officer for each district.
3. The functions to be performed by the Designated officer shall be as follows, namely:-
 - (a) to issue or cancel license of food business operators:
 - (b) to prohibit the sale of any article of food which is in contravention of the provisions of this Act rules and regulations made there under:-
 - (c) to receive report and samples of article of foods from Food Safety Officer under his Jurisdiction and get them analyses.
 - (d) to make recommendations to the Commissioner of Food Safety for sanction to launch prosecutions in case of contraventions punishable with imprisonment:
 - (e) to sanction or launch prosecutions in cases of contraventions punishable with fine:
 - (f) to maintain record of all inspections made by Food Safety Officers and action taken by them in the performance of their duties:
 - (g) to get investigate any complaints which may be made in writing in respect of any contravention of the provisions of this ACT and the rules and regulations made there under:
 - (h) to investigate any complaint which may be made in writing against the Food safety Officer: and
 - (i) to perform such other duties as may be entrusted by the Commissioner of Food Safety].

Powers and duties of the of Food Analyst

1. On receipt of a package containing a sample for analysis from a Food Safety Officer or any other person, the food Analyst shall compare the seal on the container and outer cover with specimen impression received separately and shall note the conditions of the seal thereon:
2. Provided that in case a sample container received by the Food Analysts is found to be in broken condition or unfit for analysis, he shall within a period of seven days from the date of receipt of such sample inform the Designated Officer about the same and send requisition to him for sending second part of the sample.

3. The Food Analyst shall cause to be analyzed such samples of article of food as may be sent to him by Food Safety Officer or by any other person authorized Under this Act.

4. The Food Analyst shall, within a period of fourteen days from the date of receipt of any sample for sample for analysis, send_

(i) Where such sample is received under section38 or section 47, to the Designated Officer, four Copies of the report indicating the method of sampling and analysis: and

(ii) Where such sample is received under section 40, a copy of the report indicating the method of sampling and analysis to the person who had purchased such article of food with a copy to the designated officer:

Provided that in cases the sample cannot be analyzed within fourteen days of its receipt, the food Analyst shall inform the Designated Officer and the Commissioner of food safety giving reason and specifying the time to be taken for analysis.

An appeal against the report of food analyst shall lie before the designated officers who shall, if he so decided, refer the matter to the referral Food laboratory as notified by the Food Authority for opinion.

Powers and duties of the of Food Safety Officers

(1) The Food Safety Officer may –

(a) Take a sample-

(i) of any food, or any substance, which appears to him to be intended for sale, or to have been sold for human consumption: or.

(ii) of any article of food or substance which is found by him on or in any such premises:

Which he has reason to believe that it may be required as evidence in proceedings under any of the provisions of this Act or of the regulations or orders made there under :or

(b) Seize any article of food which appears to the Food Safety Officer to be in contravention of this act or the regulations made there under: and

(c) Keep it in the safe custody of the food business operator such article of food after taking a sample:

And in both cases send the same for analysis to a Food Analyst for the local area within which such sample has been taken:

Provided that where the Foods Safety officer keeps such article in the safe custody of the food business Operator, he may require the food business operator to execute a bond for a sum of money equal to the value of such article with one or more sureties as the Food Safety Officer deems fit and the food business operator shall execute the bond accordingly.

(2) The Food Safety Officer may enter and inspect any place where the article of food is manufactured, or stored for sale ,or stored for the manufactured of any other article of food, or exposed or exhibited for sale and where any adulterant is manufactured or kept, and take samples of such articles of food or adulterant for analysis.

(3) Where any sample is taken, its cost calculated at the rate at which the article is usually sold to the public shall be paid to the person from whom it is taken.

(4) Where any article of food seized under clause (b) of subsection (1) is of a perishable nature and the food Safety officer is satisfied that such article of food is so deteriorated

that it is unfit for human consumption, the food Safety Officer may, after giving notice in writing to the food business operator, cause the same to be destroyed.

- (5) The Food Safety Officer shall, in exercising the powers of entry upon, and inspection of any place under this section, follow, as far as may be, the provisions of the Code of criminal procedure, 1973 (2 of 1974) relating to the Search or inspection of a place by a police officer executing a search warrant issued under that code.
- (6) Any adulterant found in the possession of a manufacturer or distributor of, or dealer in, any article of food or in any of the premises occupied by him as such and for the possession of which he is unable to account to the satisfaction of the Food Safety Officer and any book of accounts or other documents found in his possession or control and which be useful for or relevant to any investigation or proceeding under this Act, may be seized by the Food Safety Officer and a sample of such adulterant submitted for analysis to a Food Analyst:

Provided that no such books of account or other documents shall be seized by the Food Safety officer except with the previous approval of the authority to which he is subordinate.

- (7) Where the Food Safety Officer takes any action under clause (a) of sub-section (1), or Sub-Section (2), or Sub-Section (4) or Sub-Section (6), he shall, call one or more persons to be present at the time when such action is taken and take his or their signatures.
- (8) Where any books of account or other documents are seized under sub-section (6), the Food Safety Officer shall, within a period not exceeding thirty days from the date of seized return the same to the person from whom they were seized after copies thereof or extracts thereof as certified by that person in such manner as may be prescribed by the central government have been taken:

Provided that where such person refuses to so certify and a prosecution has been instituted against him under this Act, Such books of account or other documents shall be returned to him only after copies thereof documents shall be returned to him only after copies thereof and extracts there from as certified by the court have been taken.

- (9) When any adulterant is seized is seized under Sub-Section (6), The burden of proving that such adulterant is not meant for purposes of adulteration shall be on the person from whose possession such adulterant was seized.
- (10) The Commissioner of Food Safety may from time to time issue guidelines with regard to exercises of Powers of the Food Safety Officer, Which shall be binding. Provided that the powers of such Food Safety Officer may also be revoked for a specified period by the Commissioner of Food Safety.