



FSSAI - execution and the ordeal

By Arvind Shetty



Food Safety and Standards Act 2006 was introduced in India on 5th August 2011. The main objective of the FSSAI 2006 was to consolidate laws relating to Food and to establish 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. Though the Act was initially welcomed by the hospitality Industry as a forward looking modern enactment, but on closer study and taking into account the challenges faced by our members during implementation, realised that we were being unfairly treated and clubbed together under Food Business Operators with Manufacturers and Food Processing Industry for the purpose of implementation of the above Law.

The Statement of objectives and reasons of FSS Act clearly mentions that emphasis of Act is on [a] responsibility with manufacture [b] recall [c] genetically modified and functional foods [d] risk analysis and communication [e] emergency control [f] food safety and food manufacture practices and process control mainly hazard analysis and critical point checks. It also mentions that the main objective of the Act is to bring out a single statute relating to food and to provide for systematic and scientific development of food process industries. The Act takes care of international practice and envisages an over-arching policy framework and provision of single window to guide and regulate the persons engaged in manufacturing, marketing, processing, handling, transportation, import and sale of food. Thus the provisions of this act are made mainly for Food Manufacturers / Industries and not for the Hotels or Restaurants providing food services to guests as per choice / order of the guest. However, with some stray provisions and by using the terms loosely, the Act is made applicable to Hotels and Restaurants. The

hospitality industry is engaged in providing real time products and services. It is a service oriented industry as much as it involves providing food to the customers. As a result, the operations of the hospitality industry are sufficiently different from the operations of the food products manufacturing industry involved in packaged commodities. In keeping with the more demanding nature of the hospitality industry market, the treatment afforded to packaged food products manufacturers cannot be afforded on the hospitality industry. As we were dealing with an international Law being implemented under third world conditions, clarifications were sought from the State and Central Authorities but were highly disappointed by the tepid response hence having no other option to safeguard our members decided to file a petition in the Bombay High Court to seek further guidance. In fact during one of the hearings under the division bench headed by the Hon'ble Chief Justice in the Bombay High Court the Authorities were asked to explore a different set of conditions for the Hotel and Restaurant Industry considering the distinct nature of their Business.

AHAR had also consistently pursued the matter with various Ministers right from the erstwhile Union Health Minister Shri Ghulam Nabi Azaad to the present Shri JP Nadda to enact a separate set of Rules, Regulations, and Conditions for the Hotel and Restaurant Industry, which is distinctly different from other Food Business Operators.

The Food Safety and Standards (Amendment) Bill was introduced in the Rajya Sabha in February 2014. However, taking into considerations some judgments of the Supreme Court of India, the Lucknow Bench of the Allahabad High Court, and various other representations made by Trade Associations including AHAR, the government felt the need to withdraw the Bill and make further amendments.

At a Cabinet meeting chaired by Prime Minister Shri Narendra Modi, the government gave its approval to withdraw the bill. The Ministry of Health and Family Welfare will examine the bill and make further necessary amendments before reintroducing it. While making amendments the ministry will also consider representations made to the government by AHAR.

The Food Safety and Standards (Amendment) Bill had been presented under the previous UPA

(Continued on page 2)

AHAR to work for better enforcement of laws

All moves aimed at overall growth

Forever News Reporter

Several important issues ranging from



Welcome address by Host Shri. Sunil Patil, Vice President-Zone-VI

amendment of laws that continue to impede the growth of the hospitality, food and beverage industry in Maharashtra, to promoting overall hygiene and cleanliness in Mumbai were discussed during the recent Managing Committee Meeting of the Indian Hotel and Restaurants Association (AHAR).

AHAR members were informed by the management that the issue of Service Tax was taken up on a war footing with concerned authorities.

The Minutes of the 11th Meeting of the Managing Committee held on 25th November 2014 at 7.30 p.m. at Hotel Symphony Pride Celebrations, Mulund [East], Mumbai 400080 are as follows.

The meeting was hosted by Shri Sunil Patil, VP-Zone-V. During the introductory speech it was declared by Shri Sunil Patil that the membership drive was successful and Rs. 8, 00, 000/- was collected from 125 new members.

Election 2014-2015 was one of the points of discussion. A letter was read out by Hon. Gen. Secretary Shri Suresh Shetty sent by Returning Officer Adv. D. K. Shetty. While filing the nomination paper the following common mistakes were found in the course of scrutiny of nominations on previous occasions. Several

common and recurring mistakes were found.

Following are few serious mistakes:

- 1) When the photocopies of the nomination paper are taken, duties & responsibilities on the overleaf are not taken.
- 2) Over writings are not correctly authenticated with full signature.
- 3) Too many alterations amount to superficial alterations and hence are not acceptable.
- 4) Alterations with white ink not permissible.
- 5) Forged signatures will be viewed seriously and such nomination papers will be exposed in the AGM.
- 6) Hotel names are written without address.
- 7) Date is not written.
- 8) In case of

Partnership / Private Limited Hotels, only one particular authorized signatory i.e. Partner / Director is permitted to file nomination as well as propose / second nominations.

9) 50% attendance is a must. Total number of MC Meetings held in this term before 27.11.2014 (i.e. Last date for filing Nomination) is 11. Hence, minimum of 6 attendances are required for Elected Members and 5 attendances for Members Co-opted in December 2013.

Last date for filing the nomination is 27.11.2017 before 5.00 p.m. There are several important social functions on 27.11.2014, in the evening. Hence, all the Office Bearers and VPs are requested to monitor and see that the nomination papers are filed well before the cut off time. This will enable the Election Committee to prepare and display the list of nomination papers received on the notice board and also scrutinize the nomination papers and display the list of valid nominations on the notice board on time.

A letter was read out by the Hon. Gen. Secretary from Hotel Krishna thanking the committee member Shri Latish Shetty for his help in solving a matter of death of an employee in the hotel premise.

AHAR's suggestions have been submitted for
(Continued on page 2)

(Continued from page 1)

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government but the present Government feels that the Bill needs to be looked at with a fresh perspective as new developments are required to be studied and further consultations made before fresh amendments can be proposed.

The continuous objections raised against the amendment by various stake holders like the Food processing industry, Food Business Operators and Food importers will also be studied. There have been a number of objections as the Bill was seen to be too harsh by the food industry. This is why FSSA Amendment Bill had previously been stalled numerous times and deadlines had been repeatedly extended even under the previous government.

The UPA Government had proposed amendments to the Act to expand the composition of the Food Safety and Standards Authority of India. The decision to withdraw the FSSA Amendment Bill at the Cabinet Meeting is being seen as a ray of hope by the food industry and other stake holders.

(Continued from page 1)

AHAR to work for better enforcement of laws

the ensuing Union Budget seeking withdrawal of Service Tax on hotels and restaurants till GST is introduced, and the same may not exceed 8 per cent in order to boost tourism and generate employment.

Committee for simplification of license conditions for opening restaurants in Maharashtra

The constitution of the Committee has been notified by the Maharashtra State Government, in response to AHAR's earlier request, to change the archaic laws affecting the growth of the hotel industry. AHAR has been asked to nominate a representative to be part of the committee. AHAR's adviser Shri Santosh Shetty has been subsequently appointed to represent the association in the committee.

National Hawkers Policy

In view of the recent drive to register hawkers as per the National Street Vendors Policy several bogus applicants were vying for a place to operate their business.

The PMO had been approached by a letter from AHAR about the above encroachment on public space and also sought to restrain authorities from allowing cooking in open spaces as the same has been banned by the Supreme Court of India

The State Administration has been directed by the PMO to consider AHAR's suggestions during the formulation of the Street Vendors Policy together with adequate representation

of AHAR in the special committee constituted for the same.

Illuminated Signboards

The effort undertaken by Shri Shivram Shetty in achieving a favorable judgment against the Mumbai Municipal Corporation, for demanding a license fee for putting up illuminated signboards depicting the name of the establishment, for the benefit of customers to identify the location of the restaurant has been highly appreciated by AHAR. A legal opinion based on the above judgment to guide its members has been initiated by AHAR, and a letter has been written to the MMC not to insist on the license and abide by the Mumbai High Court's Order. Shri Shivram Shetty had earlier received a favorable judgment for the benefit of members using grinding machines in their establishments.

Meeting with Excise Commissioner

The recent directive from the Excise Department to submit the P/L Details pertaining to Liquor Sale for the last five years has left the AHAR members holding FL III License highly disturbed. The Excise Commissioner and the Excise Superintendent of Mumbai city and suburbs were met by AHAR delegates and were informed about the difficulties AHAR members were facing due to the arbitrary nature of accessing the details.

Swachha Bharat Abhiyan

The initiative undertaken by the MCGM to promote the Union Governments Plan to make India garbage-free under Prime Minister Shri Narendra Modi's Swachha Bharat Abhiyan has been wholeheartedly supported by AHAR.

35th AGM Matters

The house was briefed by Shri Sudhakar T Shetty, chairman of the 35th AGM Committee, that all 60 stalls are booked for the Restaurant Business Trade Exhibition. Metro Cash and Carry will be the title sponsor. United Spirits and Pernod Ricard India will be the Co-sponsors. M/S Pet Pooja will be the Associate Partner, and the event will be powered by Coca-Cola, Pepsi, VKL, Ruchi Soya and Navnit Land Rover.

Sub Committee Chairmen's Presentation

Shri K. K. Mahale

A letter from the Urban Development Department regarding hawkers matter on the instruction of PMO's office is highly appreciable.

The members should come forward and help AHAR, and the burden should

not be put only on VPs.

Shri K. V. Shetty

It is understood that a circular has been issued by DCP-HQ-1 directing all DCPs to conduct a meeting for hoteliers once in 3 months. The lodgings are allowed to stay open throughout night. The RC should be renewed by 31.12.2014 with minimum papers of the Shops & Establishment License and Health License.

Shri Vijaykumar Shetty

The members are advised to keep their

Excise books written up to date as the officials are fining for not updating the books.

Shri Bhaskar K. Shetty

For implementing the Swatch Bharat Abhiyan 4 to 5 places will be selected initially. The committee may combine 2 or more Zones. The Caps and T Shirts are ready and will be distributed.

An exhibition from January 15 to 17 at the NSE Grounds will be held by Ms. Meenakshi Agarwal. Renowned architects of India and Dubai will participate.

AHAR members will be given a free demonstration and design. They will also show how to set up a bakery using the existing places.

Shri Guru Prasad Shetty

The TDLR proposal of TDLR by BEST was rejected by MERC. BEST used a false submission of applying for BEST under the MCGM Head. The SC gave a fare verdict to recover TDLR on the presumption that the application was from MCGM.

On 30.10.2014 the Appellate Authority gave a good judgment stating that an amount of Rs.1081 crores collected wrongly should be refunded. Further, without TDLR, the electricity bills will be reduced by 20%. The electricity duty is charged on TDLR which is not an electricity charge. The committee is sure they will win the case if they intervene and will get a refund.

Speech by Advisors

Shri Shivram Shetty

The performance by the present team is excellent. Congratulations are due to Shri Jagannath Shetty for the courage in trapping an excise official. In business also the members must adhere to the time limit without giving any chance to the police to harass.

Shri Chandrahas K Shetty

He congratulated Shri Sunil Patil's performance. In the VPs presentation the committee could understand their achievements. The committee must make the hoteliers aware of the benefits a hotelier gets by becoming a member of AHAR. Since the financial position of AHAR is dwindling it is high time that all members should contribute to make it financially strong.

The Property Tax for rooms in hotels has been hiked by 60% by MCGM. Regarding the dance bar matter the committee is meeting Shri Gopal Shetty, MP. There should be competition which should be healthy and should not result in misunderstanding.

Shri Sudhakar T Shetty

Shri Sunil Patil has done an excellent job. The problems of the industry will not stop but will continue. The committee should not lose hope and put their best efforts. They should start charging Service Tax which appears to be permanent till the GST sets in. They should make the changes in menu every year to cope with inflation. They have no option but to raise their rates to survive. They should support the Swatch Bharat Abhiyan. The banners and stickers supporting the Swatch Bharat Abhiyan

should be initiated.

Best performing Zone

The Hon. Gen. Secretary read out the points earned by all the VPs and declared Zone -VI as the Best Performing Zone. Shri Sunil Patil and his team accepted the memento and floral bouquet on behalf of the Zone.

The Hon. Gen. Secretary Shri Sukesh Shetty said that the membership collection has reached the target of Rs 36 lakhs compared to last year of collection of Rs 26 lakhs due to such competition. The committee was able to collect more than 3500 data. They should learn to accept the results of healthy competition.

Presentation by VPs

Zone-I The AMC of the ward had called for a meeting on the Swatch Bharat Abhiyan and requested to keep small garbage bins of 20 liters outside the hotels. The delegates also briefed about the problems concerning the timing of the clean up vans. The AMC assured to redress the same.

Zone-III The matter of an employee's death in Krishna Hotel was attended and sorted out. He thanked Shri Latish Shetty for the support. An alert hotelier caught a fraudster credit card user.

Zone-IV The authorities have refused to accept the judgment regarding sign boards. On dry days WP the Zone had spent Rs. 70,000/- through internal collections; they have saved around Rs. 45,000/- in the collection, which will be donated to AHAR.

Zone-V A case of fire in a restaurant which was attended by the fire brigade was solved through the timely intervention of Shri Vijay Kumar Shetty. The area near Chembur Railway Station cleared of hawkers is still clean. Members from the zone have given 5000 food packets on the first death anniversary of Shri Bala Saheb Thackrey.

Zone-VI The committee collected Rs. 7, 10,000/- as membership in the current month and enrolled 89 new members. It was because of a well planned team effort and was well supported by the committee members. On the occasion Shri Jagannath Shetty who was instrumental in trapping an Excise Officer was honored. Shri Manish Bhilakhia who had donated so far Rs. 54000/- to AHAR towards legal fund was also honored.

Zone-VII The committee had corner meetings in which they briefed about the latest happenings. An incident of throwing petrol on ice creams boxes by bike borne persons was reported. The authorities instructed the hotelier to file the FIR. Necessary follow up action is to be taken in the matter.

Zone-VIII In the current month the committee collected Rs. 1, 10,000/- as membership. The members had a meeting with AMC of H/West ward regarding Swatch Bharat Abhiyan. The delegates briefed about the grievances of wrong timing of the vans lifting garbage.

Zone-IX The Kurar Village illegal liquor joints were raided by the Excise

Best performing VP of the month



Shri Sunil Patil, VP - Zone VI receiving Best Performing VP of the Month Award from President Shri Arvind Shetty and Advisors in the presence of the Committee Members of Zone VI.

Department but after few days the illegal joints are back. Now there is a need to take corrective measures by sending the entire correspondence file to the Principal Secretary for action. A Delegate of 22 hoteliers of the Zone, harassed by the Excise Department, will meet the Superintendent. Shri Jagdish Shetty affirmed that his support and work will not be limited to Zone-IX but to every Zone. Through

consistent efforts, the authorities were able to get the long pending insurance claims of Shri Amit Shetty and Shri Jagdish Shetty.

Zone-X The members assured their support to the Swatch Bharat Abhiyan of the MCGM. Team zone - X briefed the MCGM about the problem with garbage lifting vans that do not adhere to time. The police are booking the so called child labourers under J. J. Act, which

is not applicable to hotel employees. He said it is advisable to hoteliers to employ only the persons above the age of 18 years.

Vote of thanks

The Meeting was concluded with a vote of thanks by the Hon. Jt. Secretary.

By & Order of the Mg Committee,

Hon. Gen. Secretary



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FOREVER NEWS

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Medical Camps



Free health check up for Hotel Employees of zone-VII held on 6-10-14 at Aishwarya Hall, Oshiwara.

Free Eye Check up Camp for Hotel Employees of zone-X held on 19-11-14 at Payyade Hotels Pvt Ltd, Kandivali



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