

No.1-3/FSSAI/T/2010  
**Food Safety and Standards Authority of India**  
Ministry of Health & Family Welfare, Govt. of India  
FDA Bhawan, Kotla Road,  
New Delhi-110002

Dated: 30<sup>th</sup> June, 2011


**Subject: Advisory/Clarification regarding Notification of Adjudicating Officer in terms of FSS Act- Reg.**

The undersigned is directed to refer to above mentioned subject and to draw attention to provisions under section 68(1) of FSS Act which specify that,

***“For the purposes of adjudication under this chapter, an officer not below the rank of Additional District Magistrate of the district where the alleged offence is committed, shall be notified by the State Government as the Adjudicating Officer for adjudication in the manner as may be prescribed by the Central Government.”***

As the law clearly specify for notification of Magistrate not below the rank of Additional District Magistrate of the concerned district as Adjudicating Officer for adjudication purpose under the Act, it should not mistaken that State Government officer in pay-scales of ADM level could be notified as Adjudicating Officer. Further, in terms of section 68(3), Adjudicating Officer shall have the powers of a civil court and (a) all proceedings before him shall be deemed to be judicial proceedings within the meaning of section 193 and 228 of Indian Penal Code (45 of 1860); (b) shall be deemed to be a court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973 (2 of 1974).

Keeping in view the above legal facts in mind, it is requested to ensure that only the ADMs of the concerned districts are notified as Adjudicating Officer to avoid any operational difficulties during the implementation of the Act.

  
(S.S.Ghonkrokta)

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To  
All Food Safety Commissioners of States/UTs  
(As per list enclosed)

