

**Bill No. XLIII of 2018**

THE FOOD WASTE (REDUCTION) BILL, 2018

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BILL

*to curb food waste by empowering and mobilizing food producers, processors and distributors, consumers and associations and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-ninth year of the Republic of India as follows:—

**1.** (1) This Act may be called the Food Waste (Reduction) Act, 2018.

Short title,  
extent and  
commencement.

(2) It extends to whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification  
5 in the Official Gazette, appoint.

**2.** In this Act, unless the context otherwise requires:—

Definitions.

(a) "appropriate Government" means in respect of matters relating to,—

(i) the Union territory without legislature, the Central Government;

(ii) the Union territory of Puducherry, the Government of that Union territory;

(iii) the Union territory of Delhi, the Government of that Union territory; and

(iv) the State, the State Government; 5

(b) "best before means the date on the label on packed food or ingredient that indicates the end of the period in which the condition of this food, under storage, will remain as stated;

(c) "charitable purpose" shall have the meaning ascribed to it under clause (15) of section 2 of the Income Tax Act, 1961; 10 43 of 1961.

(d) "donor" means the supermarket operator or the person engaged in charitable purpose contracted by the supermarket operator under this Act;

(e) "food" shall have the meaning ascribed to it under clause (j) of section 3 of the Food Safety and Standards Act, 2006; 34 of 2006.

(f) "ingredient" shall have the meaning ascribed to it under clause (y) of section 3 of the Food Safety and Standards Act, 2006; 15 34 of 2006.

(g) "person" includes:

(i) a company;

(ii) an association of persons or a body of individuals, whether incorporated or not; and 20

(iii) every artificial juridical person not falling within any of the preceding sub-clauses;

(h) "personal injury" means impairment of a person's physical or mental condition;

(i) "prescribed" means prescribed by rules made under this Act;

(j) "shop" means any premises where goods are sold either by retail or wholesale and includes an office, a store-room, godown, warehouse or workhouse or work place, whether in the same premises or otherwise, used in or in connection with such trade or business; 25

(k) "supermarket operator" means any undertaking, operating for profit, whether public or private, carrying out the activities related to storage, distribution and sale of food or food ingredients; 30

(l) "unsafe food" shall have the meaning ascribed to it under clause (zz) of section 3 of the Food Safety and Standards Act, 2006; 34 of 2006.

Donation of unsold consumable food products by supermarket operators.

**3.** (1) Notwithstanding anything contained in any other law for the time being in force, a supermarket operator having a shop measuring such dimensions, as may be prescribed, by the appropriate Government, shall donate unsold food or food ingredient suitable for human consumption which is approaching its best before date, which would have otherwise been binned. 35

(2) Without prejudice to the provisions contained in the Food Safety and Standards Act, 2006 and the rules made thereunder relating to food safety, the supermarket operators shall not deliberately make their unsold consumable food products unsuitable for consumption. 40 34 of 2006.

(3) No contractual stipulation shall prevent the donation of food or food ingredient by a supermarket operator to a person engaged in charitable purposes.

(4) The provisions of this section shall not be applicable to food or food ingredient unfit for consumption, or, food or food ingredients that has past its use by date. 45

4. (1) Within one year of the enactment of this Act or, within a year of opening of a shop or the date on which the shop area exceeds the threshold limit prescribed by the appropriate Government, every supermarket operator shall conclude an agreement specifying the terms and conditions under which food and food ingredient shall be donated to a person engaged in charitable purpose:

Agreement by supermarket operators.

Provided that the supermarket operators that have entered into such an agreement prior to the enactment of this Act shall be deemed to have complied with the provision of section (1).

5. (1) A supermarket operator who fails to comply with provisions of section 4, shall be punishable with a fine of rupees one lakh.

Penalties.

34 of 2006.

(2) Without prejudice to the provision of the Food Safety and Standards Act, 2006 and the rules made thereunder relating to food safety, a supermarket operator who deliberately renders unsold food and food ingredient unsuitable for consumption, shall be punishable with a fine of rupees fifty thousand.

6. (1) A donor shall not incur any civil liability in respect of any death or personal injury that results from the consumption of donated food where the food was,—

Liability of donor in case of death and personal injury.

(a) donated in good faith for a charitable or benevolent purpose and with the intention that the recipient of the food or food ingredient would not have to pay for the food; and

(b) safe to consume at the time it left the possession or control of the donor.

(2) Where the food or food ingredient or both is of a nature that required it to be handled in a particular way to ensure that it remained safe for consumption after leaving the possession or control of the donor, the donor shall not incur any civil liability, if he informs the person to whom the food is donated of the manner in which the food or food ingredient is to be handled to ensure safety.

(3) Where the food is of a nature that it must be consumed within a particular period of time after leaving the possession or control of the donor, the donor shall not incur any civil liability if, he informs the person to whom the food is donated of the time within which the food is to be consumed to ensure its safety.

7. The Central Government shall by notification in the Official Gazette, prescribe the mechanism to be adopted by the appropriate Government for the purposes of monitoring and review of implementation of this Act by the supermarket operators and person engaged in charitable purposes.

Mechanism for monitoring and review.

8. (1) The appropriate Govt. in consultation with the Central Government, by notification, in the Official Gazette of the State or UT make rules for carrying out the provisions of this Act.

Power to make rules.

(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session, or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of any thing previously done under that rule.

(3) Every rule made by a State Government or the Union Territory Government with legislative as the case may be, shall be laid, as soon as may be after it is made, before each House of the State Legislature or the Union Territory Legislature, as the case may be.

#### STATEMENT OF OBJECTS AND REASONS

Food waste and loss has been rapidly increasing in India. According to the United Nations Food and Agriculture Organisation (FAO), every year around 1.7 billion tonnes, or almost one third of food produced for human consumption, is lost or wasted globally.

As per the Global Hunger Index, 2017 India has a rank of 100 out of 119 countries. The NFHS-4 (2015&16) estimated 46.8 million under five children in India are stunted and this represents one-third of total stunted children across the globe. Food loss and waste also amount to a major squandering of resources, including water, land, energy, labour and capital and needlessly produce greenhouse gas emissions, contributing to global warming and climate change.

However, at retail level, large quantities of food is wasted due to quality standards that over-emphasize, appearance. Supermarkets bin good quality food approaching its best-before date. The best before date is about quality and not safety. The food will be safe to eat after this date but may not be at its best. Therefore, food past its best before date but before its use by date is wasted. It is proposed to force supermarkets to stop throwing away perfectly edible food remaining unsold. Supermarkets shall be required to donate their unsold food products still suitable for consumption to authorized charities by entering into contracts with these authorized charities. This will help combat food waste at the national level and eradicate hunger and malnutrition in India.

Hence this Bill.

MAHESH PODDAR

FINANCIAL MEMORANDUM

The Bill does not involve any expenditure of recurring or non-recurring nature from the Consolidated Fund of India.

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the appropriate Government to frame rules by notification in the Official Gazette, to carry out the provisions of the Bill. The rules to be framed by the appropriate Government pertain to matters of administrative detail only, which cannot be laid down in the Bill itself. The delegation is, therefore, normal in character.

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*(Shri Mahesh Poddar, M.P.)*