



FOOD

Centralising Religious Dietary Certifications: An Analysis of the Food Safety and Standards (Amendment) Bill, 2025

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Introduction

The introduction of the Food Safety and Standards (Amendment) Bill, 2025 marks a decisive shift in India's regulatory approach towards faith-based and religious dietary certifications, particularly Halal certification. For the first time, Parliament has sought to bring such certifications within a statutory and government-controlled framework, addressing long-standing concerns around the absence of legal oversight, inconsistent standards, and unchecked private certification practices. By amending the Food Safety and Standards Act, 2006, the Bill proposes to centralise certification authority, prohibit private intermediaries, and reinforce transparency and public accountability in food labelling and consumer protection.

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Legislative Background and Need for Reform

Prior to the introduction of the Food Safety and Standards (Amendment) Bill, 2025, Halal certification in India functioned as a voluntary and market-driven practice, operating largely outside the framework of statutory regulation. In the absence of express legislative provisions under the Food Safety and Standards Act, 2006, private trusts, societies, and organisations undertook the issuance of certifications and collected fees without uniform standards, regulatory oversight, or statutory accountability. Consequently, there existed no central authority to prescribe certification criteria, monitor compliance, or conduct audits to ensure consistency and transparency.

This regulatory vacuum created scope for inconsistent certification practices, commercial exploitation, and extension of religious dietary certifications beyond food items, often leading to consumer confusion and concerns over misuse of religious labelling. Acknowledging these systemic deficiencies and the growing need for transparency and standardisation, Parliament has proposed the present Amendment to integrate religious dietary certifications into the formal framework of public law and food safety governance, ensuring uniformity, accountability, and consumer protection through direct governmental oversight.

Statement of Objects and Reasons: The Legislative Intent

The Statement of Objects and Reasons clarifies that the Bill aims to:

- Vest exclusive certification authority in Government agencies;
- Standardise and regulate religious dietary certifications nationally;
- Prevent financial exploitation by private entities; and
- Curb misuse of certification in non-food sectors.

The overarching intent is to strengthen consumer confidence, uphold public accountability, and preserve the integrity of India's food safety regime.

Key Amendments Introduced by the Bill

1. Statutory Recognition of Religious Dietary Certifications (Amendment to Section 16)

The Bill expands the regulatory mandate of the Food Safety and Standards Authority of India by inserting Clause (ca) to Section 16(2). This provision empowers the Authority to regulate, grant, and monitor religious, ethical, or faith-based dietary certifications, including Halal certification, exclusively through Government-notified authorities or agencies under the Union Ministry of Health and Family Welfare.

By expressly incorporating religious dietary certifications within the statutory functions of the food regulator, the amendment eliminates ambiguity regarding regulatory competence and anchors such certifications within India's formal food safety governance framework.

2. Exclusive Government Control over Halal Certification (Insertion of Section 43A)

A newly inserted Section 43A establishes a comprehensive regulatory regime governing Halal certification. The provision prohibits any private organisation, trust, society, or association from issuing Halal certifications, collecting fees, or acting as intermediaries in the certification process.

The Central Government is vested with exclusive authority to designate agencies responsible for the grant, supervision, renewal, and revocation of Halal certifications. To prevent commercialisation, all fees associated with certification, renewal, or testing are required to be credited to the Consolidated Fund of India.

Importantly, the scope of Halal certification is expressly limited to food products intended for human consumption, thereby excluding non-edible goods, services, industrial products, and machinery. The provision also introduces stringent penal consequences, prescribing imprisonment of up to two years, a fine extending to ₹10 lakh, or both, for contravention. The Central Government is further empowered to prescribe procedural rules, validity periods, and audit mechanisms to operationalise the regime.

3. Institutional Framework for Oversight: Committee on Religious Dietary Certifications (Insertion of Section 43B)

The Bill introduces a dedicated institutional mechanism by inserting Section 43B, providing for the constitution of a Committee on Certification of Religious Dietary Food Items under the administrative control of the Union Ministry of Health and Family Welfare. The Committee is structured to include senior officials from the Central Government, representatives of key Union Ministries, subject-matter experts in food safety and public health, and nominees from State Food Safety Authorities.

This carefully balanced composition highlights the legislature's intent to develop certification standards grounded in scientific expertise, inter-ministerial coordination, and cooperative federalism, while retaining overall regulatory supervision at the central level. By institutionalising oversight through a statutory committee, the Amendment seeks to ensure consistency, accountability, and informed decision-making in the regulation of religious dietary certifications.

4. Standard-Setting and Monitoring Functions of the Committee (Insertion of Section 43C)

Under Section 43C, the Committee is entrusted with wide-ranging functions, including identifying categories of food items requiring religious dietary certification, recommending uniform national standards, advising on slaughter, processing, packaging, and labelling practices, and periodically reviewing and updating such standards.

The Committee is also mandated to monitor implementation and report instances of misuse. Notably, the Explanation to this provision adopts a broad and inclusive definition of "religious dietary certification", encompassing Halal, Kosher, Jhatka, and equivalent terms, thereby ensuring neutrality and uniform regulatory treatment across religious practices.

Legal and Practical Implications

- Food businesses seeking Halal or similar certifications will now have to engage solely with Government-notified authorities.
- Private certification bodies will be barred from operating in this space.
- Uniformity and transparency are likely to increase, though implementation timelines and procedural clarity will depend on subordinate legislation.
- The Bill may also prompt judicial scrutiny on questions of religious freedom versus regulatory oversight, though its neutral and inclusive framing may strengthen its constitutional defensibility.

Conclusion

The Food Safety and Standards (Amendment) Bill, 2025 represents a significant recalibration of India's food regulatory framework by bringing religious dietary certifications within the ambit of statutory oversight. By vesting exclusive certification authority in Government-notified agencies, prohibiting private intermediaries, and establishing a centralised institutional mechanism for standard-setting and monitoring, the Amendment seeks to address long-standing concerns relating to transparency, uniformity, and accountability.

Beyond Halal certification, the Bill adopts a religion-neutral and inclusive approach by extending its regulatory framework to all forms of religious dietary certifications. In doing so, it balances respect for religious dietary practices with the imperatives of public health, consumer protection, and regulatory integrity. While the practical effectiveness of the reform will ultimately depend on timely subordinate legislation and administrative implementation, the Amendment marks a decisive step towards strengthening consumer confidence and reinforcing the credibility of India's food safety governance regime.

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