

File No. 1(5)/Enf-1/FSSAI/2012
Food Safety and Standards Authority of India
(Enforcement Division)
Ministry of Health and Family Welfare
FDA Bhawan, Kotla Road, New Delhi – 110002

The 12th February, 2015

Office Memorandum

Subject: Inspection of premises before issue of license.

This with reference to O.M. No. 03-01/Enf-I/FSSAI/2012 dated 22.10.2012 wherein the requirement of pre-inspection of the premises before grant of license under FSS Act, 2006 of certain categories of FBOs was waived off. Further, in the meeting held on 05.02.2013 under Chairmanship of Chairperson, FSSAI, it was decided that inspection of the premises of FBOs would be completed within a span of 6 months after the issue of Licenses.

2. It has been noted with concern that Applications for grant of licenses are kept pending for want of physical inspection of the premises inspite of the directions contained in the aforesaid O.M. dated 22.10.2012.

3. As per sub-regulation 2.1.4 of FSS (Licensing and Registration of Food Businesses) Regulations-2011, physical inspection of the FBO's premises is optional and not a mandatory requirement for grant of license. The concerned authorities always reserve the right to undertake such inspections as part of their enforcement functions pursuant of the grant of license.

4. Having examined and considered the issue, and keeping in view that the Licensing Authorities are empowered to visit the premises to ensure compliance of the provisions of the FSS Act, Rules and Regulations thereunder at any time as part of their enforcement functions, it is directed that no Licensing Authority shall hold the processing of any application on this account of pre-inspection of the FBO's premises of any category for grant of license.

5. However, the e-Form for grant of license is being suitably modified so as to require submission of Photograph of the FBO's premises along with proof of address of such premises. This practice will commence only after the software is suitably modified and will not be applicable to the applications already received under the existing IT solution.

6. Unless there is some definite information from the surveillane system about some illegal practices leading to compromise with the food safety, physical inspections of FBO premises should generally be undertaken with a prior notice

to the FBO. Non-compliance with the legal requirements, unless these pertain to manufacturing, sale, distribution etc. of unsafe food, observed during the physical inspections should be communicated to the FBO in the form of Improvement Notice as stipulated under Section 32 of the FSS Act, 2006. Non-compliance with the Improvement Notice so issued within the given time should be dealt in accordance with the provisions contained in Section 32 of the FSS Act. As a general rule, Inspections should be undertaken with the objective of bringing about improvement rather than in the form of 'Raids' unless and until the concerned officer has definite lead about adulteration in the food items making such food unsafe for human consumption, especially in large scale consumption items e.g. Milk & Milk products, packaged drinking water and edible oils.


(Bimal K. Dubey)

Director (Enforcement)

To

1. All Central Licensing Authorities for compliance;
2. All Food Safety Commissioners of States/UTs for their kind information.