



File No. 15(24)2019/Lic. & Reg. Special Drive/RCD/FSSAI  
Food Safety and Standards Authority of India  
(A Statutory body under Ministry of Health and Family Welfare)  
(Regulatory Compliance Division)

FDA Bhavan, Kotla Road,  
New Delhi-110 002  
Dated, the 01<sup>st</sup> July, 2019

To,

1. Commissioner Food Safety of all States/UTs
2. Directors and Central Licensing Authorities, Regional Offices, FSSAI
3. Additional Commissioner Food Safety cum EDH(G), Indian Railways

**Subject: - Special Drive for Licensing and Registration of Food Businesses-reg.**

Sir/Madam,

As you are aware, the Food Authority and the State Food Safety Authorities are responsible for enforcement of the Food Safety and Standards Act, 2006 [section 29]. To ensure compliance to the Food Safety and Standards Act 2006, Rules and Regulations, FSSAI and state food safety authorities have, from time to time, been taking various measures. However, certain non-compliances like license/registration in wrong categories, continuance of business with expired license/without license etc are observed in the field. In this context, it is proposed to launch a special drive to address four types of non-compliances indicated below:-

- (1) FBOs who have obtained registration certificate despite being required to obtain a License.
- (2) FBOs continuing food business with expired License/without license.
- (3) FBOs who have obtained fresh License/Registration instead of renewing the previous one to avoid penalty.
- (4) FBOs manufacturing/processing food products which are not endorsed on their license.

2. Special drive will be implemented in two phases. In the first phase, FBOs shall be provided facility on the FSSAI website <https://foodlicensing.fssai.gov.in/knowfssailicense/> to enable them to check their eligibility, status of license, endorsed products etc and apply for new license, modification etc wherever required. In phase II, enforcement activities will be taken up against the defaulting FBOs under the Act, Rules and Regulations. Details are as under:-

**Phase 1 (01<sup>st</sup> July 2019 - 30<sup>th</sup> Sept, 2019): Self Verification by FBOs and Identification of defaulting cases by Authorities.**

- a) Food Businesses would be given an opportunity to access the details of their License/Registration through the 'Know Your FSSAI License' page at <https://foodlicensing.fssai.gov.in/knowfssailicense/>.
- b) FSSAI has launched 'Food Products Identity Verification System, FPIVS (URL: <https://fssai.gov.in/fpivs>) for the FBOs to verify whether the products endorsed in License, which are being manufactured, are as per the FSSAI Standards. Further, the system will allow FBOs to check whether the products which are intended to be manufactured are covered under FSSAI Standards, Proprietary Products or Novel Foods and will provide identity number to the products.

- c) FBOs would be required to verify their license details, products endorsed and the eligibility criteria and report any anomaly or upgradation required in the existing License. For this purpose, FBOs shall be sensitized by FSSAI and State Food Authorities through email, print/electronic media and social media.
- d) Based on this information and requisite application, Commissioners of Food Safety, Nodal Officers of the States/UTs and FSSAI Regional Offices may allow businesses to carry out appropriate modifications with regard to their existing license/registration.

**Phase 2 (from 1<sup>st</sup> Oct 2019 onwards): Enforcement/Prosecution phase**

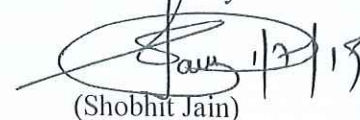
- a) Awareness drives would be launched to make consumers and consumer organisations/civil society to check using the same webpage whether a particular food business possesses a valid FSSAI License/Registration and whether the License/Registration includes the correct Kind of Business and products endorsed.
- b) The web page will allow consumers to report defaulter food businesses to Licensing Authorities.
- c) At the same time, State Food Authorities shall launch special drives to identify the defaulting cases.
- d) On receipt of concerns/feedbacks with regard to any FBO non-complying with FSS Act, concerned authorities will initiate an inquiry and take actions wherever non-compliance is found under provisions of FSS Act, 2006, namely –
  - i. In case, an FBO is qualifying for License and possesses an FSSAI Registration, action may be initiated under Section 31(1) and 61 of FSS Act 2006.
  - ii. In case, an FBO is found to be operating his business even after expiry of License, action may be initiated under Section 31(1) and 63 of FSS Act 2006.
  - iii. In case, an FBO is found to be manufacturing/processing products which are not endorsed on his License, action may be initiated under Section 61 of FSS Act 2006.
  - iv. A provision to capture expired License/Registration details is under development in Food Safety Compliance System (FoSCoS) to build compliance history of such FBOs. In case, FBOs gives false declaration, they may be punished under section-63 of FSS Act 2006. A ready reference for related provisions of FSS Act, 2006 is Annexure-I.

3. The Commissioner Food Safety of all States/UTs are directed to take up this special drive to ensure food safety and compliance in their respective States/UTs. It is also requested to direct Designated Officers/FSOs to widely publicise this special drive in their respective areas and initiate penal actions against defaulting FBOs. A report on monthly basis within first week of the succeeding month from July, 2019 onwards may be sent to FSSAI in the format at Annexure-II.

Thanking You

Encl: As above

Yours sincerely



(Shobhit Jain)

Executive Director  
(Compliance Strategy)

Related penal provisions under FSS Act 2006 are as under for ready reference:

**Section 31(1):** No person shall commence or carry on any food business except under a licence.

**Section 58: Penalty for contraventions for which no specific penalty is provided.** Whoever contravenes any provisions of this Act or the rules or regulations made thereunder, for the contravention of which no penalty has been separately provided in this Chapter, shall be liable to a penalty which may extend to two lakh rupees.

**Section 61: Punishment for false information.** If a person, in connection with a requirement or direction under this Act, provides any information or produces any document that the person knows is false or misleading, he shall be punishable with imprisonment for a term which may extend to three months and also with fine which may extend to two lakh rupees.

**Section 63: Punishment for carrying out a business without licence.** If any person or food business operator (except the persons exempted from licensing under sub-section (2) of section 31 of this Act), himself or by any person on his behalf who is required to obtain licence, manufacturers, sells, stores or distributes or imports any article of food without licence, shall be punishable with imprisonment for a term which may extend to six months and also with a fine which may extend to five lakh rupees.

**Section 64: Punishment for subsequent offences**

(1) If any person, after having been previously convicted of an offence punishable under this Act subsequently commits and is convicted of the same offence, he shall be liable to—

(i) twice the punishment, which might have been imposed on a first conviction, subject to the punishment being maximum provided for the same offence;

(ii) a further fine on daily basis which may extend up to one lakh rupees, where the offence is a continuing one; and

(iii) his licence shall be cancelled.

(2) The Court may also cause the offender's name and place of residence, the offence and the penalty imposed to be published at the offender's expense in such newspapers or in such other manner as the court may direct and the expenses of such publication shall be deemed to be part of the cost attending the conviction and shall be recoverable in the same manner as a fine.

Monthly Report on Special Drive for Licensing and Registration of Food Businesses

Name of the State \_\_\_\_\_ Report for the month of \_\_\_\_\_

1. Action taken to sensitize the FBOs during the month:

2. Details of Awareness Drives cum Licensing/Registration Camps:

S.No	District	Date or Period of the drive/camp	No. of Licenses applied/issued/modified during the Special Drive/camp	No. of Registration applied/issued during the Special Drive/camp
1.				
2.				

3. Awareness drives/actions to sensitize consumers:

S.No	District	Date or Period of the drive/camp	No. of Consumer Grievances/queries received	Action taken on Consumer Grievances
1.				
2.				

4. Defaulting FBOs identified and Action taken on them:

S. No	Category	No. of defaulting FBOs		No. of Cases Launched	Penalty Imposed	
		Identified	Action Initiated		No. of Convictions	Amount Raised (in Rs.)
1.	FBOs who have obtained registration Certificated despite being eligible for License					
2.	FBOs carrying businesses with expired License/ without License					
3.	FBOs who have obtained fresh License/Registration instead of renewing the previous one to avoid penalty					
4.	FBOs who are manufacturing/ processing food products which are not endorsed on their License					

5. As per clause 2.1.3.4 (iii) (f) of FSS Rules, the FSOs must maintain a database of all FBOs within the area assigned to them.

- (i) Whether instructions in this regard have been issued to FSOs to maintain data and submit a monthly report to the State Hq?
- (ii) Details of FSOs maintaining database of the food businesses in their area (as per proviso):

Total No. of FSOs (in position)	No. of FSOs maintaining database/Register of FBOs and submitting monthly report