

F. No. RCD-02001/14/2021-Regulatory-FSSAI(E-3595)  
Food Safety and Standards Authority of India  
(A Statutory body under Ministry of Health & Family Welfare, Government of India)  
(Regulatory Compliance Division)  
FDA Bhawan, Kotla Road, New Delhi-110002

---

Dated the, 12 May, 2023

To,

1. The Commissioner of Food Safety of All States/UTs
2. All Regional Director of FSSAI.
3. All Central Licensing Authorities of FSSAI.

**Subject: Enforcement of FSSA, 2006 & Rules/Regulations made thereunder, in respect of the FBOs, having Central Licenses-reg.**

Reference:- 1. FSSAI Order No. 14 (9)2017/Authority Meeting/RCD/FSSAI dated 06<sup>th</sup> July, 2021.  
2. Letter No. RCD-02001/14/2021-Regulatory-FSSAI dated 02.12.2021.

Sir/Madam,

This is with reference to the various orders issued by FSSAI regarding the enforcement of FSS Act, 2006 and Rules/Regulations made thereunder in respect of FBOs having central licenses, cited as references above.

In this regard, on the basis of the feedback received from the State Food Authorities, it has been observed that the said instructions need to be consolidated and clarified to avoid any confusion/ambiguity with respect to the enforcement of the provisions of FSS Act, 2006 keeping in view the objectives of Section-29 (1) of the Act which stipulates that the Food Authority and the State Food Safety Authorities shall be responsible for the enforcement of this Act. Further, the section-29 (5) of the Act stipulates that the orders may provide for the giving of assistance and information by any authority concerned in the administration of the regulations or orders, or of any provisions of this Act, to any other authority so concerned, for the purposes of their respective duties under them.

Accordingly, in suppression of the ibid orders dated 06.07.2021 & 02.12.2021 and to ensure an effective enforcement without any jurisdictional issues between the State & the Central Food Safety Officers and keeping in view the objectives of the Act as well as overall administrative efficiency, the following directions are being laid down in the matter:

1. All the regular inspections including for the complaints/any other references (including complaints received directly from the State Food Authorities) against the centrally licensed Food Business Operators (FBOs) shall be carried out by the Central Food Safety Officers. However, the State FSOs/Designated Officers, upon request, shall provide all the necessary assistance to the CFSSO concerned in this regard. Also, in case of any exigency like Food Safety Emergency or due to any administrative constraint, the Regional Director of FSSAI may also request the concerned Designated Officer of the State/UT, under intimation to the concerned Commissioner of Food Safety of the State/UT, to get the premises of any Centrally Licensed FBO inspected through the State FSO also.

However, in such cases of inspection of the centrally licensed premises by the State FSOs, the inspection report shall be submitted to the concerned Central Licensing Authority (CLA) by the State Designated Officer and further action on the same shall be taken by the concerned CLA as per the provisions of FSS Act, 2006 and Rules/Regulations made thereunder.

Cont....

...2...

2. (i) In case the State/UT receives information regarding any Food Safety Incident/Emergency against the Centrally Licensed FBOs, where immediate action is required, the State Food Authorities may carry out necessary action as per the extant laws and inform the concerned Regional Director at the earliest.

(ii) In case the State is carrying out any special drive which may include Centrally Licensed FBOs, the State Designated Officer may get the premises of such FBOs inspected through the State FSOs, with the prior permission from the concerned Commissioner of Food Safety of the State/UT and under prior intimation to the concerned Regional Director of FSSAI.

3. In the above cases at 2(i) and 2(ii), the report shall be submitted to the concerned Central Licensing Authority (CLA) by the State Designated Officer and further action on the same shall be taken by the concerned CLA as per the provisions of FSS Act, 2006 and Rules/Regulations made thereunder.

4. In cases where the samples are also taken by the State FSO during the course of such inspection/drives from the premises of the Centrally Licensed FBOs, the consequent proceedings once the lab report is received and after the appeal process (if any has attained finality i.e. the report of referral laboratory has been received) shall be undertaken by the Centrally Licensed Authority (CLA). The State FSO/Designated Officer (DO) shall provide all the relevant information/records to the CLA and also provide the necessary assistance to the CLA in this regard.

5. In case of VIP duties where time is the essence and established protocols are to be followed, the State/UTs are authorized to discharge the said responsibilities, in case of the Centrally Licensed FBOs also.

6. As regards the launching/filing of adjudication/prosecution proceedings, the administrative structure shall be the same for both the State as well as the Central Food Safety Officers i.e. the cases shall be filed before the respective Adjudicating Officers of notified by the State/UT for the concerned District and accordingly, Food Safety Appellate Tribunal established by the State/UTs shall also deal with both kinds of cases arising out of inspections by the State as well as the Central FSOs. This provision also applies to the instances wherein other Central Government Officials have been entrusted with the responsibilities of the CFSO/Central Designated Officers such as Railways, Sea Ports and Airports.

7. The above directions shall come in to force from the date of issuance of this letter and any actions taken before the said date shall be dealt as per the extant provisions applicable at the time of inspections.

**(Issued with the approval of the Competent Authority.)**

Yours faithfully,

  
(Inoshi Sharma)

Executive Director (Regulatory Compliance)

**Copy for information to:-**

1. Sr. PS to the CEO, FSSAI.
2. Executive Director (Legal), FSSAI, HQ, New Delhi.