

Guidelines for Food Business Operators applying for grant of license

The Food Safety and Standards (Licensing and Registration of Food Business) Regulations, 2011 prescribe detailed procedure for application for license, its process, condition of license, general Hygienic and Sanitary practices to be followed by the FBOs. Also the Food Safety provisions prescribe standards for various food articles which are sold, stored, distributed or manufacture for sale and also the labeling condition which are to be complied in case of pre-packed food.

1. Section 31(1) of FSS Act, 2006 specifies that "No person shall commence or carry on any food business except under a license".
2. Regulation No. 2.1.3 specifies that application for grant of license shall be made in form – B of schedule 2 alongwith self-attested declaration in annexure – I, copies of documents mentioned in annexure – 2 and applicable fee prescribed in schedule 3.
3. Regulation No. 2.1.4 specifies the processing of application for license.
 - (i) License shall, subject to other provisions be issued by the licensing authority within 60 days from issue of application ID No.
 - (ii) The licensing authority shall inform the applicant about shortcoming in the application within 15 days from date of receipt of application which shall be complied by the applicant within 30 days, failing which the application shall stand rejected.
 - (iii) On receipt of complete application the licensing authority shall issue an ID No. for future correspondence.
 - (iv) After issue of application ID No., the food safety officer can inspect the premises and issue a notice to the applicant, if required to FBO for changes to be made in the premises in order to ensure general sanitary and hygienic conditions as per schedule 4 which shall be complied within the prescribed period.
 - (v) The licensing authority may either grant license or reject the application within 30 days on considering the inspection report and compliance by FBO.
 - (vi) The licensing authority shall issue a license in format C (Schedule 2) which shall be displayed by the FBO at a prominent place in the premises.
4. Regulation No. 2.1.7 specifies the provision for validity and renewal of license for which application has to be made not later than 30 days prior to expiry and there is provision for late fee of Rs. 100 per day of delay before date of expiry.

5. Regulation No. 2.1.8 specified that licensing authority can suspend or cancel license if the FBO is found not complying with the conditions of license.
6. Mode of payment of license fees is by DD/Pay Order or through online.
7. The Food Safety Commissioner shall be the appellate authority against the order of licensing authority.
8. Every licensee shall file a return before 31st May in form D-1 except milk and milk product manufacturer who have to file return in form D-2 every six months as per period prescribed in Regulation No. 2.1.13. Delay in filing return shall attract a penalty of Rs. 100 per day of delay.
9. As per section 63 of FSS Act, FBO carrying food business without valid license is liable with imprisonment upto six months and also with a fine upto Rs. 5 lac.

(1) General Hygienic and Sanitary practices to be followed by Food Business Operators

Schedule 4 of FSS Licensing Regulations, 2011 casts responsibility upon the Food Business Operators who are food manufacturer/processor/handler/distributor/ transporter and service provider of food articles to observe certain norms regarding location of premises, general manufacturing and hygienic practices etc., some of which are given below:

1. No FBO shall carry out food business without valid license/registration as applicable.
2. The premises shall be located in a sanitary place and free from filthy surroundings and shall maintain overall hygienic environment.
3. The premises shall be clean, adequately lighted and ventilated and sufficient free space for movement.
4. Potable water shall be used.
5. There should be efficient drainage system and there shall be adequate provisions for disposal of refuse.
6. Person suffering from infectious diseases shall not be permitted to work.
7. Food storage facilities shall be designed and constructed to enable food to be effectively protected from contamination during storage.
8. All articles that are stored or are intended for sale shall be fit for consumption and have proper cover to avoid contamination.
9. The vehicles used to transport foods must be maintained in good repair and kept clean.
10. Cooking utensils and crockery shall be clean and in good condition.
11. Eating, chewing, smoking, spitting and nose blowing shall be prohibited within the premises.
12. All raw materials, food additives and ingredients, wherever applicable shall conform to all the Regulations and standards laid down under the Act.

- (2)** Apart from licensing provisions there are other responsibilities of Food Business Operators regarding the quality/labeling/storage of food articles which are prescribed under Section 26 of FSS Act which specifies that no FBO shall manufacture , store, sell or distribute any article of food which is unsafe/misbranded/substandard or contains extraneous matter or in violation of any other provision. In case of any violation, the FBO is liable for punishment under Section 27 read with section 49 – 67 of FSS Act, 2006.