



Ayana Legal

THE BUZZ

Monthly Newsletter By Team Ayana Legal

Right to Food

Article 47 of the Constitution states that the State has a duty to raise the level of nutrition and standard of living to improve public health.

Through various judgements the Supreme Court has interpreted right to life under Article 21 to include food.

In *Shantistar Builders v. Narayan Khimalal Totame* (1990; 1 SCC 520 at 527, pr.9) the Court held that basic needs of man have traditionally been - food, clothing and shelter. All these are encompassed under the purview of Article 21.

In *Francis Coralie Mullin v. Administrator, Union Territory of Delhi* (1981, 1 SCC 608 at 618, pr.17) The Court observed that the right to life means something than mere physical survival including the right to live with dignity and all the bare necessities of life including nutrition, clothing etc.



Food Safety Standards Authority

The Food Safety and Standards Act, 2006 was created “to consolidate the laws relating to food and to establish the Food Safety and Standards Authority of India for laying down science based standards for articles of food and to regulate their manufacture, storage, distribution, sale and import, to ensure availability of safe and wholesome food for human consumption and for matters connected therewith or incidental thereto.”

The Food Safety Standards Authority (FSSAI) established under the Food Safety and Standards Act, 2006 is an autonomous statutory body created to regulate and supervise food safety.

License to Operate a Business

All food businesses in India have to be require a license from the FSSAI in order to operate. Based on the annual turn-over and the size, a business may either require a registration or a state or central license.

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Food Safety

The United Nations has declared June 7th to be celebrated as 'World Food Safety Day' to increase awareness of the requirement of food safety in lieu of the increasing food borne health risks.

To read further about World Food Safety Day refer to the June issue of 'The Buzz' [here](#)

A Penny for Your Thoughts?

"The goal of the food safety professional should be to create a food safety culture, not a food safety program."

- Frank Yiannas

Thank You

In these unpredictable times, we hope that you are taking care of yourself. Team Ayana Legal thanks you for the trust. Till we are back with our next edition, stay safe and keep smiling.

Disclaimer

This newsletter is solely for the purpose of providing information and the content provided is not and should not be construed as legal advice.

Registration

A food business operator with an annual turnover of not more than Rupees 12 lakh shall be required to register themselves with the registering authority. These include - "petty retailers dealing in food products, any person who manufactures or sells any food article by himself, food sale is done by the temporary stall holder, any individual who distributes food in any religious or social gathering except a caterer, small-scale or cottage industries dealing in the food business."

As per the 2011 Regulations every petty Food Business Operator is required to register with the Registering Authority by submitting an application in the prescribed Form given under the schedule of the Regulations along with the applicable fee. They are also required to follow basic hygiene and safety requirements provided in the Regulations and provide a self attested declaration of adherence to these requirements with the application in the prescribed format. The Registering Authority shall consider the application and may either grant registration or reject it with reasons to be recorded in writing or issue notice for inspection, within 7 days of receipt of an application for registration.

License

For medium and large scale businesses a state or central license will be required. Schedule 1 of the Regulations highlights which food businesses shall be granted license by the Central Licensing Authority. Food business which are not covered under Schedule 1, shall be granted license by the concerned State/UT's Licensing Authority.

To obtain a license the prescribed Form needs to be submitted along with a self-attested declaration in the prescribed format and with the copies of the requisite documents and the applicable fees. On receiving the application the Licensing authority will issue an Application ID number, after which a Food Safety Officer will be sent to check the premises and an inspection report will be provided. Within 60 days of the issuance of such ID number license shall be either be granted or rejected by the Licensing Authority.