

Licensing : some principles

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Examples of licensing

- Industrial license under the Industries (Development & Regulation) Act, 1951
- Driving license under the Motor Vehicles Act, 1988
- Flying license under the Aircraft Act, 1934
- License under the Food Safety and Standards Act, 2006

Why Licensing ?

- To impose pre-conditions or pre-requisites for doing something
- To keep track and control of those who are licensed
- To deter non-compliance by consequences :
 - Fines
 - Suspensions
 - Cancellations

In short :

Licensing is all about **control**

Licensing versus registration

- Registration is a lighter process
- Intentions are : a lower degree of control and there is a skew towards being *informed* rather than controlling
- Entry conditions are far lighter or less stringent

Purpose of licensing under FSS Act

- The purpose of licensing is to assess the capability of an FBO to produce safe and wholesome food(s).
- Hence the requirements of FSMS, HACCP, GMP, GHP (various systems)
- All these are to check the capability of “ facility”, “equipment”, “personnel”, processes (HACCP).

Licensing

- Licensing about ... any activity involving **public safety** primarily (e.g. drive safely, manufacture safe goods, cook safe food, etc.)
- Licensing is covered under Chapter VII of the Act “ Enforcement of the Act”. Also the relevant Rules (The Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011)
 - Is this enforcing “ capability” or “conformance to standards” (product) as we see the latter being the main activity
 - Is more prescriptive (dos and don'ts) and less about capacity or potential for food safety

Capability versus conformance

The focus of the FSS Act in Chapter VII is **Enforcement** of the Act

- Sec 31 : Licensing
- Sec 32 : Improvement Notices
- Sec 33 : Prohibition Orders
- Sec 34 : Emergency prohibition notices and orders

There is no requirement of capability, but more focus on conformance

Q&A

Thank You