

CHAPTER II COMPLIANCE AUDIT

AUDIT OF SELECTED TOPICS

HEALTH AND FAMILY WELFARE DEPARTMENT

2.1. Implementation of Food Safety and Standards Act, 2006

2.1.1. Introduction

The Food Safety and Standards Authority of India (FSSAI) is an independent statutory authority responsible for the enforcement of various provisions of the Food Safety and Standards (FSS) Act and Rules in the States. In Kerala, the Commissioner of Food Safety (Commissioner) under the Health and Family Welfare Department was appointed in July 2008 for implementation of the Act in the State.

Kerala ranked fourth in the State Food Safety Index (SFSI) for the year 2019-20 and was elevated to second position in the SFSI for the year 2020-21⁹.

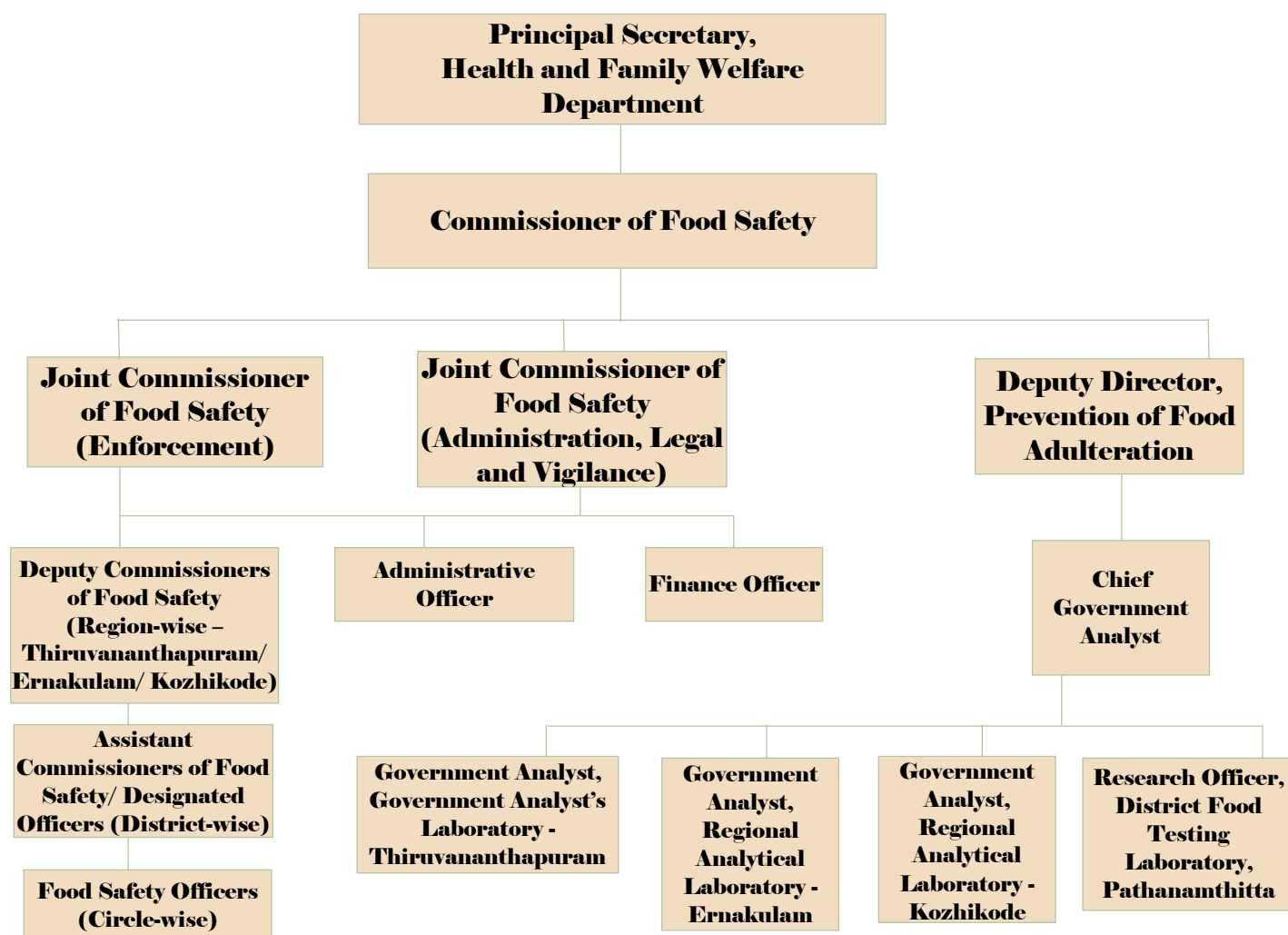
2.1.2. Organisational set up

Principal Secretary, Health and Family Welfare department is responsible for overall administration and Commissioner of Food Safety who is the State Food Authority is responsible for efficient implementation of the Act, Rules and Regulations in the State and is assisted by two Joint Commissioners, one for Administration, Legal and Vigilance and one for Enforcement and three Deputy Commissioners for three¹⁰ regions. Assistant Commissioners assist the Commissioner in implementation at the district level. The Food Safety Officers (FSOs) in charge of Circle Offices are responsible for field level functions. The organisational set up is shown in the Organogram given below.

⁹ Ranking for the year 2020-21 was released in September 2021 by the Ministry of Health and Family Welfare.

¹⁰ Thiruvananthapuram, Ernakulam and Kozhikode

Organogram



2.1.3. Audit objectives, scope and methodology

The Compliance Audit was conducted from January 2021 to September 2021 covering the period 2016-21 to examine whether;

- the provisions in the Act/ Rules/ Regulations were implemented effectively for ensuring the availability of safe and wholesome food for human consumption.
- the revenue was realised as per Regulations/ Orders issued from time to time by the Authorities stipulated under the Act and
- the organisation possessed adequate human resources and infrastructure facilities.

Records for the period 2016-21 were test-checked in the offices of the Commissioner of Food Safety, Kerala, three notified Analytical Laboratories (Thiruvananthapuram, Ernakulam, Kozhikode), Food Testing Laboratory at

Pathanamthitta, offices of four Assistant Commissioners (Thiruvananthapuram, Kottayam, Kozhikode and Kasaragod districts which were the four selected districts) and 13 selected circle offices under these Assistant Commissioners (**Appendix 2.1**). From each selected district and circle, 20 licences and six registrations respectively for each year¹¹ were selected for detailed scrutiny.

Entry Conference was held on 27 January 2021 with the Government wherein Audit objectives, Scope and Criteria were discussed and accepted by the Government. Exit Conference was conducted on 18 November 2021 with the Principal Secretary (Health and Family Welfare Department) wherein the audit findings were discussed in detail and responses of Government obtained.

Audit Findings

As per Section 31 of the FSS Act 2006, no person shall commence or carry on any food business in India without a licence or a registration¹². The deficiencies in various stages of implementation of the FSS Act such as Licensing and Registration, Inspection and Sample Collection, Food Analysis and follow up action/ monitoring were observed during the course of the audit, as detailed below.

2.1.4. Issue of licences and registrations

2.1.4.1. Deficiencies in issuing of licences and registrations

Section 31 of the Act read with Regulation¹³, licence is mandatory for any Food Business Operator¹⁴ (FBO) having an annual turnover of more than ₹12 lakh, while petty FBOs with annual turnover upto ₹12 lakh are required to register with such authority as specified in the regulations.

Further, as per Regulations 2.1.1 (3) and 2.1.4 (1), the registration certificate shall be issued within seven days of receipt of application and licence shall be issued within 60 days of date of issue of application ID¹⁵ respectively. If the application is either not rejected or any inadequacies intimated by the Food Safety Authorities and no registration or licence is issued within the prescribed time period, the FBO can commence the business. Audit test-checked the process of issue of licences and registrations in the selected districts and circle offices and noticed the following deficiencies.

¹¹ For the Audit period, total 100 licences from each selected district and 30 registrations from each selected circle were checked in detail.

¹² Registration is to be taken by Petty Food Business Operators as detailed in Regulation 1.2.1 (4) of Food Safety and Standards (Licensing and Registration of Food Businesses), 2011.

¹³ Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011

¹⁴ “FBO” means a person by whom the business is carried on or owned and is responsible for ensuring the compliance with the Act, Rules and Regulations made thereunder vide Section 3(o) of the FSS Act, 2006.

¹⁵ The ID generated by FoSCoS (software) on the same day of applying for licence.

Delay in issue of Licences/ Registrations

While the Designated Officers¹⁶ (DO) are empowered to issue licences except Central licences¹⁷, Food Safety Officers¹⁸ (FSOs) under DOs are delegated the function of registration.

On a scrutiny of records relating to issue of licences in the four selected districts for the period 2016-21, Audit noticed that there was delay in issue of licences in Thiruvananthapuram and Kottayam districts. Against a total number of 21,712¹⁹ applications for licence received in these two districts, 19,035 licences were issued. Of the 19,035 licences issued, delay was noticed in 3,844 cases (20 *per cent*). Analysis of licences issued after the specified time period of 60 days revealed that, 2,468 licences were issued between 61 and 100 days, between 101 and 500 days in respect of 1,317 cases and in 59 cases there was delay of more than 500 days.

Similarly, on a scrutiny of records in selected circle offices, Audit noticed that in all test-checked circle offices except Vaikom, out of 43,649 number of registrations issued, there was delay in 18,191 cases. In 14,967 cases the delay was upto 50 days and between 51 to 100 days in respect of 1,624 cases. In 1,600 cases, the delay for issue of registration was more than 100 days (**Appendix 2.2**).

Government replied (December 2021) that the migration to FoSCoS²⁰ platform from the erstwhile FLRS was carried out in November 2020. At the time of audit there were some issues reported in the FoSCoS software due to migration and the issue has been resolved and there was no pendency in issuing licence/ registration certificates to FBOs through FoSCoS.

The period covered by Audit was from 2016-17 to 2020-21, wherein delay was noticed in issue of licences/ registrations and the facts were agreed upon by the Assistant Commissioners/ FSOs of the selected districts/ circles. Moreover, in the minutes of the 29th meeting of Central Advisory Committee of FSSAI held on 05 August 2020, it was pointed out that Kerala was one among the States showing high pendency per district in the issue of licences/ registrations.

As the Regulation has set a time limit for issue of licences and registrations, this has to be adhered to. Non-compliance to the time limit would result in FBOs commencing operations without being included in the database of the Department and escaping scrutiny of the Department which may result in non-adherence to Act/ Rules/ Regulations.

¹⁶ Under Section 36 of the FSS Act 2006, the Commissioner of Food Safety shall appoint the Designated Officer for each district, who shall not be below the rank of a Sub-Divisional Officer, to be in-charge of food safety administration. Generally, the Assistant Commissioners of the district are appointed as designated officers.

¹⁷ Licence for commencing or carrying on food business, which falls under Schedule 1 of the Regulation, shall be granted by the Central Licensing Authority.

¹⁸ FSO is in-charge of a circle and there are 140 circles in the State.

¹⁹ Thiruvananthapuram - 15,939 and Kottayam - 5,773

²⁰ FoSCoS, the new software for registration and licensing introduced by FSSAI became operational pan India w.e.f. 01 November 2020 replacing the erstwhile software FLRS.

2.1.4.2. Database of food establishments

Rule 2.1.3 of the Food Safety and Standards Rules, 2011 envisages that the Food Safety Officer shall maintain a database of all Food Businesses within the area assigned to him. Audit noticed that in the selected circle offices, none of the FSOs were maintaining a comprehensive database of FBOs within the area assigned to them.

Government replied (December 2021) that earnest efforts would be made to obtain data from other departments. The Department has decided to increase the Information, Education and Communication (IEC) activities, conduct camps and strengthen enforcement activities for maintaining a complete database of food business establishments in the State.

Audit noticed that maintenance of database is an assignment mandated on the officials by the Act. In the absence of a comprehensive database, the possibility of existence of unauthorised FBOs cannot be ruled out, which could seriously compromise the health of citizens.

2.1.4.3. Exclusion of FBOs from FoSCoS software Database

In order to have a better understanding of the extent to which the FBOs in the selected district may have escaped the scrutiny of Food Safety Authorities due to non-inclusion in the database maintained by the Department, Audit made a comparative study of the FoSCoS data with the data of FBOs maintained by other Departments/ Local Bodies as detailed below;

Comparison with the licence issued by Local Self-Government Institutions (LSGIs)

Audit conducted a comparative study of the licences issued to food businesses under the Industries, Factories, Trade, Entrepreneurship Activities and Other Services Rules, 2018²¹ by LSGIs with the FoSCoS data pertaining to the selected districts for the year 2020-21. Audit compared 348 licences issued by four LSGIs²² of the selected districts for food business with FoSCoS data which revealed that 144 FBOs with licences did not feature in the FoSCoS data maintained by the Food Safety Authorities (**Appendix 2.3**).

Comparison with Goods and Services Tax data

Comparison done by Audit with the data on restaurant dealers available with State Goods and Services Tax (GST) authorities as on 31 March 2021 revealed that there were several FBOs functioning without a FSSAI licence. Out of 338 restaurants as per GST data, 122 FBOs in selected districts did not feature in the database of the Food Safety Department (**Appendix 2.3**).

²¹ Earlier, such licences for commencement of businesses issued by local bodies were licences issued under 'Licences to Dangerous and Offensive Trades and Factories Rules 1996'. Currently, they are covered under the 'Issue of Licence to Industries, Factories, Trade, Entrepreneurship Activities and Other Services Rules, 2018'

²² Thiruvananthapuram and Kozhikode Municipal Corporations; Kottayam and Kasaragod Municipalities

Government while agreeing to the audit findings (December 2021) informed that directions were issued to all Assistant Commissioners to collect data from GST Department and Local Self-Government Department (LSGD) and compare with the data available with the Food Safety Department within three months.

Slaughter houses

The comparison of data available with Food Safety Authorities regarding the number of slaughter houses with the data available with Animal Husbandry (AH) department (2020-21) revealed that though there were 17 slaughter houses in the selected districts, none appeared in the database of Food Safety Department (**Appendix 2.3**).

Government stated (December 2021) that licence to slaughter houses could be issued only in compliance with stipulated licensing conditions. Since the slaughter houses did not have the facilities as per schedule 4, Part IV of Regulations, FSSAI licence could not be granted. The matter would be taken up with LSGD.

The functioning of slaughter houses without licence/ registration and not adhering to conditions of Food Safety Authority pose risk to public health.

From the above paragraphs, it is evident that large number of FBOs in the selected districts were missing from the database of the Food Safety Authorities. In the absence of a comprehensive database, there is no mechanism available with the Commissioner of Food Safety to assess the total number of FBOs. Consequently, the Department was not able to monitor their activities including follow up of standards notified for manufacturing, selling and storing of food articles, etc. The Registration and Licence fee realisable are also lost due to the failure of the department to identify all functioning FBOs in the State.

Place of Worship

“Blissful Hygienic Offering to God” (BHOG) is an initiative put forth by Food Safety and Standards Authority of India (FSSAI) to encourage Places of Worship (PoW) to adopt and maintain Food Safety and hygiene as well as convey food safety messages through such places to the people to follow as responsible citizens. In Kerala, BHOG was implemented (January 2019) at the State level and it is one of the major flagship programmes of the Food Safety Department. The initiative aimed at creation of awareness amongst the places of worship to prevent malpractices and irregularities related to food and also to ensure regulatory compliance of the FSS Act, 2006 and Rules and Regulations made thereunder. Audit noticed that in the selected districts, only 647 PoWs²³ had either taken licence or registration (October 2021). However, the Department did not have details about the number of PoWs in the State which need to get licence/ registration. In the absence of details regarding number of

²³ Thiruvananthapuram - 241, Kottayam - 288, Kozhikode - 58 and Kasaragod - 60.

PoWs, there was no assurance that all PoWs had obtained licence/ registration as the case may be.

Government replied (December 2021) that necessary directions would be issued to all Deputy Commissioners and Assistant Commissioners to implement BHOG in their respective jurisdiction.

2.1.4.4. Classification issues of FBOs

Caterers

As per Regulation 1.2.1(4)(a) of the Food Safety and Standards (Licensing and Registration of food Businesses) Regulation, 2011, a petty food manufacturer means any manufacturer, who manufactures or sells any article of food himself or a petty retailer, hawker, vendor or temporary stall holder, or distributes food including any religious or social gathering except a caterer. Since the caterer does not come under the definition of a Petty Food Manufacturer, they have to take licence instead of a registration certificate.

Test-check of registration certificates issued during 2016-21 in the selected circle offices revealed that 58 FBOs²⁴ in seven circle offices who were engaged in catering services were functioning with a registration certificate instead of a licence. This is against the provisions contained in the Act and Regulations. Moreover, as the fee for obtaining a licence is ₹2,000 per annum, permitting a caterer to obtain a registration certificate for ₹100 instead of a licence resulted in short remittance of licence fee of ₹1.10 lakh²⁵ per annum.

Inaction on the part of FSOs led to violation of the provisions of the Act and Regulations and from the selected circles alone, this led to short remittance of ₹1.10 lakh to Government.

Government stated (December 2021) that a detailed report would be requested from all the districts and shortcomings would be addressed and steps were being taken to ensure that all caterers obtain FSSAI licence.

Sale of organic products

FSSAI directed (June 2018) that all FBOs engaged in manufacture/ processing or handling organic foods were to obtain licence under FSS Act, 2006 or get the organic food endorsed in the existing licence.

On a test-check of four FBOs engaged in selling of organic products, Audit noticed that three FBOs²⁶ selling organic products did not possess licence to sell such products. As per the Regulation²⁷, the organic food offered or promoted for sale shall comply with all the applicable provisions of one of the systems, viz. National Programme for Organic Production, Participatory Guarantee System for India or any other system or standards as may be notified by the

²⁴ Thiruvananthapuram - 19, Attingal - 5, Kazhakuttom - 20, Vattiyoorkavu - 6, Koduvally - 3, Kasaragod - 3 and Manjeshwaram - 2

²⁵ 58 x ₹1900 = ₹1.10 lakh

²⁶ Welgate shoppe in Kottayam district, Pathayam Organic health food restaurant and Welgate shoppe, Thiruvananthapuram

²⁷ Food Safety and Standards (Organic Foods) Regulations, 2017.

Food Authority from time to time. In the absence of FBOs engaged in handling organic food obtaining such licence/ endorsing in the existing licence, the possibility of the FBOs not adhering to the regulations cannot be ruled out.

Government stated (December 2021) that directions had already been given to all Assistant Commissioners to inspect organic shops to take necessary steps.

Three and four star hotels

As per Regulation 2.1.3 and the fees prescribed in Schedule 3 of Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011, fee for grant/ renewal of licence for hotels of category 3 star and above²⁸ is ₹5,000 per annum, whereas for other FBOs, it is ₹2,000 per annum.

On an analysis of the list of hotels with three and four star ratings in the 'National database for accommodation units' maintained (March 2021) by the Ministry of Tourism, Government of India, it was noticed that in all the selected districts except Kasaragod, 41 hotels had obtained FSSAI State licence without revealing their actual star category. This led to short-paying of licence fee of ₹2,000 instead of ₹5,000.

Failure on the part of the DOs in ensuring the correctness of classification of hotels as given in application form in the selected districts resulted in short remittance of ₹1.23 lakh²⁹ to the Government.

Government stated (December 2021) that a detailed report was requested from all Districts and shortcomings would be addressed based on the details. It was further stated that modifications would be done in the case of wrong classification.

2.1.4.5. Licences granted on the basis of incomplete documents

Regulation 2.1.3 of Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011 describes the mode of application for grant of licence. The application should be made in Form B of Schedule 2 to the Licensing Authority concerned and shall be accompanied by a self-attested declaration in the prescribed format along with copies of documents viz., layout plan, proof of possession of premises, declaration, analysis report of water, No Objection Certificate from LSGIs etc. Audit noted that 259³⁰ out of the 400 test-checked licences from four selected districts were new licences. Scrutiny of the applications for 259 new licences revealed that 165³¹ applications (64 per cent) were incomplete with regard to availability of requisite documents/ declarations.

Government replied (December 2021) that as per the guidelines issued by FSSAI dated 19 March 2021, necessary documents to be uploaded vary with the kind of business, hence all documents mentioned in the Regulations are not

²⁸ As per fee structure, hotels with classification five star and above require a Central licence with an annual fee of ₹7,500

²⁹ 41 x ₹3,000 = ₹1.23 lakh

³⁰ Thiruvananthapuram - 72, Kottayam - 65, Kozhikode - 62, Kasaragod - 60

³¹ Thiruvananthapuram - 52, Kottayam - 39, Kozhikode - 46, Kasaragod - 28

mandatory for all kind of businesses. Necessary directions would be issued to all DOs/ FSOs to address the Audit findings.

Reply is not tenable as the said guidelines were applicable only to applications for new licences received after March 2021. The deficiencies pointed out pertain to the period from 2016-17 to 2020-21.

2.1.4.6. Non-submission of Returns by Manufacturer/ Importer

As per Regulation 2.1.13(1) of Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011, every manufacturer and importer, who has been issued a licence shall, on or before 31st May of each year, submit a return electronically or in physical form in respect of each class of food products handled by him during the previous financial year. Provided however that every licensee engaged in the manufacturing of milk and/ or milk products shall file half yearly returns and to be filed within a month from the end of the period. Delay in filing of annual returns attracts a penalty of ₹100 per day.

Audit noticed that 85³² out of 400 test-checked licences in selected districts were manufacturers, of which four were engaged in the manufacturing of milk and milk products. Scrutiny of records of 85 manufacturers during the period 2016-2020 revealed that seven of them had submitted their returns, of which two were milk manufacturers who had submitted half yearly returns. No fine was seen imposed by the Designated Officer from the defaulters.

Government replied (December 2021) that with the present manpower, it was very difficult to scrutinise data of annual returns filed/ pending. The matter is under consideration of FSSAI and is in the process of waiving the fine due to non-filing of annual returns.

Audit observed that the filing of returns by the manufacturers has been a mandatory requirement since June 2014 and since no decision has been taken (October 2021) to waive off the fine, the Department is duty bound to recover the fine. Further, even if the fine for non-submission of returns is waived, it does not exempt the Manufacturers/ Importers from filing the returns.

2.1.4.7. Inspection and Sample Collection

Shortfall in Inspections of FBOs

As per the provisions³³ contained in Food Safety and Standards Rules, 2011, it shall be the duty of the FSO to inspect, as frequently as may be prescribed by the Designated Officer (DO), all food establishments licensed for manufacturing, handling, packing or selling of an article of food within the area assigned to him. Sub-rule (b) states that the FSO should satisfy himself that the conditions of licence were being complied with by each of the FBOs carrying on business within the area assigned to him and report to the DO. Section 36 (3)(f) of the Act requires the DOs to maintain record of all inspections made by

³² Thiruvananthapuram - 19, Kottayam - 28, Kozhikode - 17, Kasaragod - 21

³³ Rule 2.1.3.4 (iii) (a)

FSOs and action taken by them in the performance of their duties. Further, as per Regulation³⁴, the Registering Authority or any officer or agency specially authorised for the purpose shall carry out food safety inspection of the Registered establishment at least once in a year. Thus, the Regulation does not prescribe the periodicity of inspection of FBOs holding licence and the same is to be determined by the DO, whereas the periodicity of inspection of registered FBOs is fixed as at least once in a year.

Audit examined the extent of inspection of FBOs by the authorities and observed as follows;

FBOs holding licence

Audit scrutiny revealed that out of the 32,268 licences issued in the test-checked districts during the period of audit, only 8,453 FBOs (26 *per cent*) holding licences were inspected. Further, Audit noticed that the DOs had not fixed the periodicity of inspection and were not maintaining any record of the inspections made by the FSOs and the action taken by them as required under the Act.

Designated Officers³⁵ reported that since the FSOs were entitled for inspections in all food establishments within the area assigned to them, no directions have been issued regarding the periodicity of the inspections to be conducted in the licensed establishments.

Reply of AC is not acceptable as the provisions require them to ensure the periodicity of inspection. Moreover, in the absence of any periodicity prescribed, a large number of licence holders were not being inspected.

In order to assess whether the licence holders were inspected at least once during the five year period of Audit, 100 licence certificates³⁶ from each selected district i.e. 400 licences were examined. Audit observed that only 119 licence holders³⁷ were inspected at least once during 2016-21.

FBOs holding Registration

Further examination of registered FBOs in the test-checked circles revealed that out of the 47,059 registrations issued during the period of Audit, only 4,062 FBOs (8.63 *per cent*) were inspected.

Government replied (December 2021) that shortage of Enforcement Officers and basic infrastructure including vehicles were the major impediments in carrying out more enforcement activities including inspection, sampling etc. An effective plan of action would be implemented based on the observations. Further, Government stated that FSSAI has assigned a target of 15 inspections per quarter/ FSO which have been fulfilled.

³⁴ Regulation 2.1.1 (6) of the Food Safety and Standards (Licensing and Registration of Food Businesses) Regulation, 2011

³⁵ Assistant Commissioner

³⁶ from FoSCoS data

³⁷ Number of FBOs inspected any time during 2016-17 to 2020-21 (at least once) – Thiruvananthapuram - 27, Kottayam - 47, Kozhikode - 32, Kasaragod - 13

Regarding the target of 15 inspections per quarter/ FSO, Audit observed that FSSAI directed all States (29th Central Advisory Committee (CAC) meeting, 05 August 2020) to use FoSCoRIS³⁸ actively for all inspections. However, Audit observed that the said meeting did not limit the inspections to 15 as stated in the reply, but the format attached to the minutes (formats developed for quarterly reviews of performance of States) was required to contain inspection details of 15 new eateries. Further, decision of the CAC cannot be deemed to supersede the directions regarding inspections contained in the Rules.

Audit noted that Food Safety Authorities are duty bound to inspect all registered establishments once in a year and DOs are to prescribe the periodicity of inspection of licensed establishments. Without carrying out the prescribed inspections, the authorities would not be able to ensure compliance of standards of food safety by the FBOs.

2.1.4.8. Non-follow up of improvement notices issued

As per Section 32(1) of the Act, if the Designated Officer (DO) has reasonable ground for believing that any FBO has failed to comply with any regulations, he may, by a notice served on that FBO (in the Act referred to as an improvement notice) require, *inter alia*, the FBO to take those measures which are at least equivalent to them, within a reasonable period (not being less than 14 days) as may be specified in the notice. Clause (2) states that, if the FBO fails to comply with an improvement notice, his licence may be suspended. Further, clause (3) stipulates that if the FBO still fails to comply with the improvement notice, the DO may, after giving the licensee an opportunity to show cause, cancel the licence granted to him.

Audit noticed that in two selected districts, *viz.*, Thiruvananthapuram and Kozhikode, out of the improvement notices issued, the details of compliance by the FBOs to the notice issued were not available with the DOs. Of the 85³⁹ cases, nine each were issued in 2017-18 and 2018-19, 30 in 2019-20 and 37⁴⁰ in 2020-21. In the absence of information about the compliance action taken by the FBOs, it could not be ensured whether the lapses noticed by the Food Safety Authorities were rectified or not.

Government stated (December 2021) that the observation would be viewed seriously and shortcomings addressed effectively and directions were issued to all Deputy and Assistant Commissioners to conduct surprise checks across all offices for ensuring strict compliance.

2.1.4.9. Non-lifting of enforcement samples in cases where surveillance samples were 'non-conforming'

Clause 4 iii (d) under Rule 2.1.3 of the FSS Rules 2011, states that it is the duty of the FSOs to draw samples for purposes of surveillance, survey and research which shall not be used for prosecution. As per the Manual for Food Safety

³⁸ FoSCoRIS means Food Safety Compliance with Regular Inspection and Sampling

³⁹ Thiruvananthapuram - 83, Kozhikode - 2

⁴⁰ Thiruvananthapuram - 35, Kozhikode - 2

Officers issued by FSSAI (2017), if any surveillance sample fails due to any non-conformity, then enforcement sampling may be executed and prosecution may be launched.

An analysis of enforcement samples taken in cases where the surveillance sample turned 'non-conforming' was conducted by Audit in the selected circles for the period 2016-21. Audit noticed that out of 708 non-conforming samples, enforcement samples were collected only in 56 cases in the test-checked 10 circles and three circles had not collected even one enforcement sample. Details are given in **Appendix 2.4**.

Non-lifting of enforcement sample resulted in consumption of non-conforming food articles by the public defeating the spirit of the Act and Regulations. Two such instances noticed by Audit are illustrated below.

The FSO, Kottayam circle had taken a surveillance sample of milk (23 July 2019) from Sankranthi Milk Cooperative Society based on a complaint. As per the analysis report of Government Analyst's Laboratory, Thiruvananthapuram (08 August 2019), the sample was substandard. Audit noticed that the enforcement sample of the substandard product was taken on 03 February 2021 after a lapse of 16 months from the date of analysis report. The result was pending (September 2021).

On the basis of a complaint, the FSO, Changanassery circle had obtained (22 June 2018) a surveillance sample of Dietary Fibrous drink. As per the analysis report of Government Analyst's Laboratory, Thiruvananthapuram, the product was unsafe since it contained synthetic colour (Amaranth CI 16185) which was not permitted in food materials as food additive. The FSO informed DO (December 2018) that since the product was available only online, no enforcement sample was taken.

Government replied (December 2021) that surveillance samples were drawn for the purpose of general surveillance, survey and research and could not be used for prosecution. This type of sampling was done to monitor the safety and quality of food manufactured, sold or imported in the country. The FSS Act, Rules or Regulations made thereunder did not mandate that enforcement samples must be lifted when surveillance samples were reported unsafe. The Department lifted enforcement samples after receipt of non-compliant sample reported as unsafe in relevant cases. It was further stated that prosecution is only one of the means to rectify the system.

Reply is not acceptable as the Manual issued in 2017 had clearly instructed that if any surveillance sample fails due to any non-conformity, then enforcement sampling may be executed and prosecution launched. Audit also noticed that no recall procedures were initiated by the Department when the surveillance samples turned unsafe and hence the possibility of unsafe food being consumed by public cannot be ruled out. It is pertinent to note that the Act came into force with an objective to provide safe and wholesome food for human consumption and hence the Department cannot shirk its responsibility of ensuring the same by stating that FSS Act, Rules or Regulations made thereunder did not mandate

that enforcement samples must be lifted when surveillance samples were reported unsafe.

The failure of FSOs to lift enforcement samples in instances of surveillance sample turning non-conforming is not acceptable as risk to the unwary consumer is allowed to continue by the authorities despite awareness of non-conformity.

2.1.4.10. Non-lifting of enforcement samples from Anganwadis

Under the Integrated Child Development Services (ICDS), the National Nutrition Mission (Poshan Abhiyan) is implemented and a key strategy of this mission was food and nutrition. To ensure quality of meals, the States were required to carry out sample checking. FSSAI directed (September 2020) all FSOs to draw three to five surveillance samples per day from Anganwadi centres in the State from 09 to 15 September 2020. Accordingly, directions were issued by the Commissioner of Food Safety (September 2020), to draw three to five surveillance samples from Anganwadi centres in the State during the second week of September 2020. Audit noticed that out of the 13 circles selected by Audit, food samples were taken for surveillance only in seven circles⁴¹. Of these, the food samples taken by FSOs of four circles were unsafe. The unsafe food samples included Amrutham Nutrimix⁴² from Thiruvananthapuram (15 September 2020), Kasaragod (14 September 2020) and Vaikom circles (11 September 2020), and Bengal gram from Kazhakuttom (09 September 2020). In Vaikom circle, the FSO had not taken enforcement sample citing non-availability of food product of the same batch. Regarding circle offices in Thiruvananthapuram district, the statutory samples were lifted (07 April 2021) i.e., from a different batch after a gap of four months from the manufacturing unit and the result was found to be satisfactory. In Kasaragod circle, the samples of Amrutham Nutrimix were lifted from one Anganwadi and two samples of different batches from a manufacturing unit (14 September 2020) and were analysed and reported unsafe (10 December 2020) and the statutory sample were taken on 13 August 2021 from a different batch after a lapse of eight months and the result was found to be substandard. Audit noticed that Amrutham Nutrimix containing 3,556.50 kilograms from the three circles, found to be unsafe, were already distributed. Similarly, the statutory sample of Bengal gram was taken from the supplier on 15 February 2021 from a different batch and the sample was tested to be satisfactory. However, Audit noticed that 444 kg of Bengal gram from the same batch that tested unsafe was utilised by Anganwadis. The directions of FSSAI regarding lifting of three to five surveillance samples from Anganwadis were not adhered to by other circle offices.

Government replied (December 2021) that surveillance sampling was done in Anganawadis and statutory sampling was carried out in manufacturing units of Amrutham Nutrimix. Further, it was informed that statutory sampling process

⁴¹ Thiruvananthapuram, Vattiyoorkavu, Attingal, Kazhakuttom, Vaikom, Koduvally and Kasaragod

⁴² Amrutham Nutrimix is a supplementary nutritional food given to children of the age six months to three years.

required a specific quantity of food products of a particular batch. Anganwadis always stock only the requisite quantity of food articles for children and if the Department lifts four packets for statutory samples, the children may be left out without food items, which is not feasible. To ensure quality of food products, enforcement samples were routinely lifted from manufacturing units.

Audit observed that though FSSAI directed all FSOs to draw three to five samples per day, FSOs in six out of 13 circles test-checked did not even comply with the directions. In three circles where the surveillance sample turned unsafe, there was a delay of four to eight months in taking enforcement samples from manufacturing units and one circle did not even take enforcement sample. Due to delay in timely action by the FSOs, the entire batch of unsafe food was distributed to the children.

Non-initiation of secondary action such as seizure, recall, etc., on finding the Amrutham Nutrimix as non-conforming has resulted in distribution/consumption of unsafe food by kids in the age group of six months to three years.

2.1.4.11. Non-monitoring of recall procedure

The FSS (Food Recall Procedure) Regulations, 2017 require that the food or food products that are determined or *prima facie* considered unsafe should be retrieved, destructed or reprocessed under recall. Regulation 9 states that the FBO shall determine whether the recall is progressing effectively and shall submit periodic status report to the State Food Authority to inform the progress of the recall. Further, Regulation 15 provides that the Commissioner of Food Safety shall inspect the FBO's capability of recall after receiving the recall alert information and supervise the FBO in completion of recall and assess their Recall Report. Commissioner of Food Safety had issued orders (May 2018) delegating powers to the DOs for food recall.

Audit noticed that 159 cases were found unsafe in the 13 selected Circles for the period 2017-21⁴³. Prosecution action was initiated in all the cases. Audit scrutinised the prosecution cases in the selected Circles and found that in 35 cases, DO did not intimate the FBO for initiating recall procedure. Also, it was noticed that in 106 out of 124 remaining cases, the FBOs did not report back to the DOs further action taken on recall notice and hence the action taken on recall notice was not available on record.

Food recalls are an appropriate method for removing or correcting marketed food products and their labelling that violate the laws administered by the regulatory authority. The absence of a monitoring system in recall procedure may result in non-compliance of the recall direction and thereby the unsafe product reaching market.

Government replied (December 2021) that necessary directions would be issued to all DOs to thoroughly check all reports and follow up action ensured in all

⁴³ Food Recall Procedure Regulation came into force on 18 January 2017

matters. The department had taken steps to sensitise the public about prohibited/banned food products being recalled through press releases and media.

However, Audit noticed that the prescribed procedures were not being followed and in most cases it could not be ensured that the unsafe food was totally recalled.

2.1.5. Food Analysis

One of the most important functions entrusted to the Food Safety Authority is ensuring the availability of safe and wholesome food fit for human consumption. Laboratory testing plays a very crucial role in achieving this. Audit test-checked a few areas of functioning of the laboratories under the Department. Besides that, Audit also test-checked the enforcement of the Act in laboratories established for testing raw materials and offering at Sabarimala temple, a famous pilgrimage centre, where lakhs of devotees offer prayers every year. Audit findings relating to the functioning of laboratories are as below.

2.1.5.1. *Non-assurance of safe food due to insufficient testing*

As per Section 43 (1) of the FSS Act 2006, the Food Authority may notify food laboratories and research institutions accredited by National Accreditation Board for Testing and Calibration Laboratories (NABL) or any other accreditation agency for the purposes of carrying out analysis of samples by the Food Analysts.

The FSS (Food Products Standards and Food Additives) Regulations, 2011 specify the standards and permissible limit of essential composition and quality factors, food additives, contaminants, toxins and residues, hygiene, labelling and methods of sampling and analysis to be followed for each food and food products. Laboratories are required to test on such parameters as applicable to specific foods. On testing, food samples are classified as ‘conforms to specification’, ‘unsafe’⁴⁴, ‘sub-standard’⁴⁵ or ‘misbranded’⁴⁶.

The Department of Food Safety has notified three laboratories⁴⁷ for carrying out analysis of food samples in the State. Food categories that can be analysed in these laboratories are (i) Milk and Milk products (ii) Cereal and Cereal Products (iii) Spices and Condiments (iv) Tea, Coffee and Beverages (v) Fats, Oils and Confectionary (vi) Packaged drinking water (vii) Fish and Meat and (viii) Proprietary foods⁴⁸.

⁴⁴ Unsafe food means an article of food whose nature, substance or quality is so affected as to render it injurious to health.

⁴⁵ Sub-standard foods do not meet the specified standards but not so as to render the article of food unsafe

⁴⁶ Misbranded food is one which is sold with false, misleading or deceptive claims, sold by a name which belongs to another article of food or under a fictitious name, etc.

⁴⁷ Government Analyst’s Laboratory (GAL), Thiruvananthapuram, Regional Analytical Laboratory (RAL), Ernakulam and Regional Analytical Laboratory (RAL), Kozhikode

⁴⁸ Food that has not been standardised under Food Safety and Standards (Food Products Standards and Food Additives) Regulation 2011

Audit conducted a detailed analysis of the parameters being tested by these laboratories on samples of Milk, Fish, Coconut oil, Coffee and Packaged drinking water (other than Mineral water) for the period 2016-17 to 2020-21. Audit noticed that all the prescribed parameters for analysing the standards and permissible limits of contaminants, toxins, residues, antibiotics and microbiological aspects were not being carried out in any of these laboratories and hence it cannot be ensured that the food available for consumption is safe. For example, a range of 33 to 99 parameters were to be tested in milk for the period from 2016-17 to 2020-21, however a range of only seven to eight parameters were being tested in GAL, Thiruvananthapuram four to eight in RAL, Ernakulam and a range of seven to 42 in RAL, Kozhikode. Audit scrutiny of 2,769 milk samples analysed for the period from 2016-17 to 2020-21 in three laboratories revealed that 2,442 (88.19 *per cent*) were declared conforming to food safety standards without analysing all the standards and tests prescribed by FSSAI from time to time. It was noticed that 1.44 and 10.29 *per cent* of the samples were declared “unsafe” and “substandard” respectively. Details of testing of other products are detailed in **Appendix 2.5**.

Government replied (December 2021) that upto 2019-20, the insufficient testing in these three laboratories was due to lack of infrastructure facility including the procurement of high-end equipment and shortage of manpower. But in the year 2020-21, the high-end equipment were purchased and almost all the parameters were tested in the three laboratories.

However, Audit noticed that even after the stated purchase of high-end equipment, there was no substantial increase in the percentage of testing of prescribed parameters in the selected items except for milk⁴⁹, which increased from nine to 42 *per cent* in RAL, Kozhikode.

2.1.5.2. Testing of samples by Laboratories without NABL accreditation for some of the parameters prescribed by FSSAI

Analysis of food samples for physical, chemical and microbiological contamination is important to ensure the safety and quality of food that is produced domestically or imported. Section 38 of the Act empowers the FSOs to take samples and send them to the food analyst of the local area within which such samples have been taken.

In addition to the three analytical laboratories, the Department of Food Safety also has a District Food Testing Laboratory at Pathanamthitta. The laboratories carry out physical, chemical and microbiological contamination testing of food and water as per FSS Act 2006, Rules and Regulations, 2011 and in compliance with the requirements of ISO/ IEC-17025:2017⁵⁰.

Audit noticed that even though all the three analytical laboratories have NABL accreditation for chemical testing, the accreditation is limited only to certain

⁴⁹ In GAL, Thiruvananthapuram and RAL, Ernakulam there is no increase in the number of parameters being tested in milk during 2019-20 and 2020-21. However, in RAL, Kozhikode, the number of parameters being tested increased to 42 out of 99 during 2020-21 from nine out of 99 during 2019-20.

⁵⁰ Accreditation standard for NABL

specific parameters. It was observed that none of the three laboratories were accredited for checking chemical parameters concerning all food additives, pesticide residues, radioactive residues, metal/ crop contaminants, toxins, antibiotics.

Standards required for accreditation of a microbiology laboratory has been specified in the NABL accreditation standard ISO/ IEC 17025:2017. Requirements such as structural, laboratory requirements, facilities and environmental conditions, reference cultures and equipment have been clearly mentioned in it. Audit found that the microbiology laboratories at the three notified laboratories have not been NABL accredited for microbiological parameters due to want of infrastructure facilities and equipment.

Out of 23 microbiological parameters prescribed by FSSAI, the microbiology laboratory at GAL, Thiruvananthapuram was conducting tests only on 18 parameters. While RAL, Ernakulam was checking 11 parameters, RAL, Kozhikode was checking only 13 parameters. The left out parameters include E-coli 0157, Coronobacter sp, Clostridium botulinum, and Campylobacter spp. These are to be tested in the food samples of milk and milk products, fruits and vegetables, spices, meat and meat products, fish and fish products, egg and egg products, food poisoning samples, infant milk food, canned meat etc.

Coronobacter sp bacteria are pathogens linked with life-threatening infections in new-born babies and E-coli 0157 causes benign symptoms of fevers, haemorrhagic diarrhoea etc.

The Government analysts of these laboratories cited the reasons for the above deficiencies as lack of availability of infrastructural facility for highly pathogenic organism analysis, shortage of manpower and short indentation of chemicals and kits.

Due to the absence of required facilities, the checking done in microbiology laboratory is deficient to that extent. Besides, due to lack of NABL accreditation for all parameters, the results cannot stand the test of law in case of any dispute.

Audit checked 130 analysis reports pertaining to the year 2020-21 in the three laboratories and found that out of 1,425 parameters checked, 706 (49.54 *per cent*) were for parameters (chemical and microbiological) not accredited by NABL.

The Commissioner of Food Safety acknowledged (September 2021) that the microbiology wing of the three laboratories did not have NABL accreditation and that this was due to inadequate microbiology facilities and equipment. In the Exit Conference (November 2021) the Commissioner stated that the rate contract for microbiological laboratory was under processing by FSSAI and hence purchase of new equipment was pending. However, the reply furnished by the Commissioner was silent on the issue of testing of fewer parameters than what was required. Further the fact remains that ₹ one crore each released to three laboratories for setting up of a microbiological laboratory (March 2020), remains unutilised as of September 2021.

Necessary action should have been taken to improve the infrastructure facilities as non-testing of crucial parameters could lead to diarrhoeal diseases, life threatening infections in new born babies, etc.

2.1.5.3. *Improper testing of Surveillance samples/ raw material of offerings at Sabarimala*

Sabarimala Sree Dharma Sastha temple is one of the most famous pilgrimage destinations in Kerala where lakhs of devotees visit every year. Based on direction issued by the Honourable High Court of Kerala (1992 and 2012⁵¹), District Food Testing Laboratory was established in Pathanamthitta (October 1998) mainly for testing *vazhipad*⁵² articles of Sabarimala temple. Two other laboratories⁵³ were established at Pamba and Sannidhanam⁵⁴ for checking samples of raw materials and offerings at temple respectively.

Audit noticed that though the laboratory at Pathanamthitta started functioning in 1998, it was neither notified⁵⁵ by FSSAI nor accredited by NABL. During Sabarimala festival season, samples of food items from various shops at Sannidhanam, Pampa and Nilackal were tested as surveillance samples at Pathanamthitta laboratory. During the period 2016-21, 807 samples of food items were tested, of these, 685 were declared as satisfactory and 122 were declared as non-satisfactory. From the 685 samples declared satisfactory, Audit conducted a test-check of 30 sample results with reference to FSS (Food Products Standards and Food Additives) Regulations, 2011 and FSS (Contaminants, Toxin and Residues) Regulations, 2011. These Regulations specify the standards for various food items and the permissible limits for metals, insecticide residue and pesticide residue respectively. Among the test-checked cases, 25 samples (83.33 *per cent*) were declared 'satisfactory' after checking only some of the parameters specified by FSSAI. List of parameters not tested is given in **Appendix 2.6**.

Similarly, the raw materials for making offering items (Appam, Aravana, etc.), i.e. jaggery, rice, raisins, cardamom, dry ginger, sugar candy, cumin and dal were being tested at Food Safety Laboratory set up at Pampa. Out of 849 samples tested at this laboratory during the period of Audit, 834 samples were declared as satisfactory and 15 were declared as non-satisfactory. Test-check of 100 sample results out of those declared satisfactory revealed that only some of the parameters specified by FSSAI were tested.

The various parameters not being checked in the two laboratories included tests for food additives, metal contaminants, pesticide residue, etc. Hence, Audit observes that without checking all the parameters, the food was being certified

⁵¹ Laboratories at Pamba and Sannidhanam

⁵² Offerings at temple

⁵³ These laboratories, though set up by Travancore Devaswom Board under orders of Honourable High Court, were manned by officials from Food Safety Authority.

⁵⁴ Place where Sabarimala temple is located

⁵⁵ As per Section 43(1) of the Act, the Food Authority may notify food laboratories and research institutions accredited by NABL or any other accreditation agencies for the purpose of carrying out analysis of samples by the food analysts under this Act.

as ‘satisfactory’. As such, there is no assurance that these food items which are consumed by devotees every year meet the prescribed food safety standards.

Government stated (December 2021) that as per the judgement of the High Court of Kerala, Travancore Devaswom Board (TDB) had set up food testing laboratories at Pamba and Sannidhanam for testing *vazhipad* articles from Sabarimala. Since the temple is opened for short period, the functioning of these laboratories are also for short periods. The laboratory is testing the common adulterants including synthetic food colour in surveillance samples and raw materials and cited lack of infrastructure facilities as the main reason for improper testing of surveillance samples/ raw materials. Audit was informed that safe food is ensured in Sabarimala by deploying food safety officers during festival seasons.

Audit observed that High Court of Kerala in its judgement dated 12 January 2012 ordered that TDB should put up such infrastructure facilities for setting up of the food testing laboratory as may be required by the Commissioner of Food Safety. However, the Commissioner of Food Safety had not made any proposal to upgrade the laboratory functioning at Pamba for testing all the required parameters.

As Section 43(1) of the Act empowers the Food Authority to notify food laboratories and research institutions for the purposes of carrying out analysis of samples by Food Analysts under the Act and it is the Food Authority which is responsible for the effective and efficient implementation of the FSS Act, the Government may ensure that the Laboratory at Pathanamthitta also is adequately equipped so that the same could be notified under the Act.

2.1.5.4. Sabarimala ‘Aravana Prasadam’ - Non-Compliance of FSS (Packaging and Labelling) Regulations, 2011

‘Aravana Prasadam’ is one of the main offerings (*vazhipad*) in Sabarimala Sree Dharma Sastha temple, which is being offered to pilgrims in containers. Approximately 29 lakh litres of Aravana Prasadam is manufactured in Sabarimala every year.

Food Safety Standards (Packaging and Labelling) Regulations, 2011, refers to labelling of pre-packaged foods. As per the clauses under Regulation, the pre-packaged food shall carry a label containing information such as name, list of ingredients, nutritional information or nutritional facts per 100 gm or 100 ml or per serving of the product, declaration regarding food additives, name and complete address of the manufacturer, lot/ code/ batch identification, net quantity, FSSAI licence number, date of manufacture or packing, best before and use by date.



Figure 2.1: Aravana Prasadam container without full labelling details, Photograph taken by Audit party on 20.09.2021

Audit analysed the label on the Aravana Prasadam container and noticed that the label on the sealed container contains only name, batch number, name and address of the manufacturer and date of packing. All other details especially “use by date” as required under the Regulation are not being included in the label. The absence of food label with necessary details deprives the end user, information regarding its ingredients and date before which it can be used.

Government replied (December 2021) that the matter had been brought to the notice of Devaswom Commissioner for

obtaining FSSAI licence and for complying with the FSS (Packaging and Labelling) Regulations.

2.1.6. Human Resources

2.1.6.1. Deficiencies in implementation of the Act due to shortage of FSOs

Under Section 37 of the FSS Act, the Commissioner of Food Safety shall appoint FSOs for the purpose of performing functions under the Act, Rules and Regulations made thereunder.

Food Safety Officers are the base level implementing officers of the FSS Act. Their duties include collection of samples, inspection of food establishments, seizing of articles, etc. There are 140 circle offices in the State headed by the FSOs. Besides these, FSOs are also posted in other offices⁵⁶. Audit noticed that out of the sanctioned strength of 160 FSOs in the department, there were only 126 FSOs as on 31 March 2021, a shortage of 21 *per cent*. Out of 140 circle offices, 34 circle offices had no full time FSOs resulting in additional charge⁵⁷ to other FSOs.

In the Exit Conference (November 2021), Commissioner stated that the Department was functioning with a shortage of 21 *per cent* of sanctioned posts of FSOs which was seriously compromising the functioning of the Department. Government stated (December 2021) that the vacant post of FSOs would be filled up shortly and the matter of creation of posts is under their consideration.

Shortage in the key cadre of FSOs badly affects the enforcement of various provisions of the Act such as collection of samples, inspection of the food establishments, etc.

⁵⁶ Food Safety Commissionerate, Office of the Assistant Commissioner

⁵⁷ 31 FSOs are holding additional charge of one circle office, two FSOs are holding additional charges of two circle offices and one FSO is holding additional charge of more than two circle offices

2.1.7. Punitive Mechanism

2.1.7.1. *Delay in sending recommendations to the Commissioner for sanctioning prosecution*

As per Section 42(3) of FSS Act, the Designated Officer, after scrutiny of the report of Food Analyst, shall decide as to whether the contravention is punishable with imprisonment or fine only. In case of contravention punishable with imprisonment, he shall send his recommendations within 14 days to the Commissioner of Food Safety for sanctioning prosecution.

Scrutiny of prosecution records for the period 2016-21 in the selected districts revealed that there was delay in 16 out of 18 instances (Thiruvananthapuram District) in forwarding the cases to the Commissioner by the Designated Offices where the offences were punishable with imprisonment. The delay in forwarding ranged from 30 to 300 days. Audit also noticed such delays were not seen in other test-checked districts implying that inordinate delay was avoidable.

Government stated (December 2021) that they had reviewed the pendency of cases during the review meeting with Deputy Commissioners, Assistant Commissioners and the matter would be closely monitored.

2.1.7.2. *Delay in adjudication*

The Adjudication officer not below the rank of Additional District Magistrate if satisfied that the person/ FBO has committed the contravention of provisions of the Act or Rules or Regulations made thereunder may impose such penalty as he thinks fit in accordance with the provisions relating to that offence. FSS Rules 2011⁵⁸ provide that the Adjudicating officer shall pass the final order within 90 days from the date of first hearing.

In the selected districts, Audit observed that 722 cases were referred for adjudication during the audit period 2016-21. Out of this, 269 (37.26 *per cent*) cases were pending with the adjudicating officer for more than 90 days from the date of first hearing.

2.1.7.3. *Non-recovery of penalty*

As per Section 96 of the FSS Act, if the penalty imposed under this Act is not paid, it shall be recovered as an arrear of land revenue and the defaulter's licence shall be suspended till the penalty is paid.

Scrutiny of records of the Commissioner of Food Safety revealed that a penalty of ₹1.88 crore out of ₹4.40 crore imposed during 2016-21 was pending in the State as of October 2021.

In the four selected districts, unrealised penalties amounted to ₹68.16 lakh against 225 cases and was pending as of March 2021. Out of this, 89 cases involving ₹23.95 lakh was pending for more than three years.

⁵⁸ Rule 3.1.1(9) of the FSS Rules, 2011

Audit noticed that though substantial amount was pending recovery, no licences had been suspended during the period of Audit.

Regarding paragraph 2.1.7.2 and 2.1.7.3, Government stated (December 2021) that they had taken up the matter with Land Revenue Commissioner to include review of adjudication cases during the monthly review meeting of Revenue Division Officers (RDO) and Sub Collectors. Further, they had requested the Land Revenue Commissioner to depute RDOs and Sub Collectors for a workshop on FSS Act, Rules and Regulations.

2.1.7.4. Pendency in Compounding cases

As per Section 69(1) of the FSS Act, the Commissioner of Food Safety, may, by order, empower the Designated Officer, to accept from petty manufacturers who manufacture and sell any article of food, retailers, hawkers, itinerant vendors, temporary stall holders against whom a reasonable belief exists that he has committed an offence or contravention against the Act, payment of a sum of money by way of composition of the offence which such person is suspected to have committed.

Scrutiny of records of the selected districts revealed that, against 324 cases, an amount of ₹18.39 lakh remained to be recovered from the defaulted FBOs as of 31 March 2021. Out of 324 cases, 225 cases (₹13.84 lakh) pertained to the period 2016-19.

On a scrutiny of compounding registers in the four selected districts, Audit noticed that no follow up action was initiated by the Designated Officers for recovering the amounts from the offenders. Huge pendency in recovery indicated that no serious efforts were being taken to recover the arrears from FBOs.

Government replied (December 2021) that directions were given by the Commissioner to all ACs to realise the penalty on time.

2.1.8. Follow up action/ Monitoring

2.1.8.1. Lack of monitoring mechanism

As per Section 29 (2) of the Act, the Food Authority and the State Food Safety Authority shall monitor and verify that the relevant requirements of law are fulfilled by FBOs at all stages of food business. As per section 63 of the Act, if any person or FBO, 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, he 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.

Clause 2.1.7 (1) to (5) of the Regulations⁵⁹ stipulate that a registration or licence shall be valid for a period of one to five years as chosen by FBO, from the date of issue of registration/ licence. Further, any application received for such

⁵⁹ Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011

renewal of registration/ licence shall be filed not later than 30 days prior to the expiry date of that registration/ licence; or if filed later, but before the expiry of the licence, on payment of late fee⁶⁰ for each day of delay. Registration/ licence for which renewal has not been applied for within the above period shall expire and the FBO shall stop all business activities at the premises, and apply for fresh registration or license if it wants to restart the business.

Audit observed that out of 166 licences⁶¹ selected for detailed scrutiny in the four selected districts, 65 FBOs neither renewed nor applied for new licence on the expiry of the existing licence and 69 FBOs were issued more than one licence in different periods after the expiry of the existing licence. Similarly, in selected circle offices, out of 120⁶² registrations selected for detailed scrutiny, 71 FBOs neither renewed nor applied for new registration on the expiry of the existing registration and 24 FBOs were issued more than one registration in different periods after the expiry of the existing registration. The issue of non-renewal of licence/ registration on the expiry of the existing licence/ registration may lead to functioning of FBOs without licence/ registration. Regarding the issue of more than one licence/ registration, Audit observed that on expiry of the licence/ registration, at some point of time the FBO had re-applied for new licence/ registration and the same were being issued after a time gap leading to functioning of FBOs without licence/ registration during the intervening periods.

The ACs/ FSOs replied that they were not aware whether the FBOs had stopped all business activities at their premises during the periods when they did not possess any licence/ registration (**Appendix 2.7**). In the Exit Conference (18 November 2021) Principal Secretary, Health and Family Welfare Department, GoK, informed Audit that creative measures involving the public such as appealing to them to provide information on the FBOs functioning without displaying their licence, a grievance portal based on mobile application through which people could share information with the Department etc., were being planned. Government replied (December 2021) that expiry of licence and registration could not be tracked using the current version of FoSCoS software and the matter would be taken up with FSSAI.

However, the Act provides that the food authorities shall monitor and verify that the FBOs adhere to the relevant requirements of law. For this purpose, the ACs/ FSOs are duty bound to ensure that the FBOs are functioning with valid licence/ registration.

In the absence of an alert mechanism in the software for timely renewal of licence/ registration and due to lack of monitoring, the possibility of FBOs functioning without licence/ registration cannot be ruled out.

⁶⁰ Payment of late fee is applicable only for renewal of licence and not for registration.

⁶¹ Out of 100 licences selected from each district, only 166 could be considered as FSSAI permitted a grace period till 20.04.2021 for renewal of licences that expired after 22.03.2020.

⁶² Out of 30 registrations selected from each circle, only 120 could be considered as FSSAI permitted a grace period till 20.04.2021 for renewal of registrations that expired after 22.03.2020.

2.1.8.2. Notification of food poisoning

As per Section 35 of the Act, the Food Authority may, by notification, require registered medical practitioners carrying on their profession in any local area specified in the notification to report all occurrences of food poisoning coming to their notice to such officer as may be specified.

In line with the above, the State Level Advisory Committee (SLAC)⁶³, in its meeting (October 2019) directed the Department of Food Safety to notify registered medical officers under Primary Health Centres to report all occurrences of food poisoning coming to their notice to FSOs.

Scrutiny however, revealed that the Commissioner of Food Safety had not issued any such notification till August 2021.

Government stated (December 2021) that as per Section 35 of FSS Act, the notification has to be issued by Food Authority (FSSAI) and this would be taken up with FSSAI. However, the reply is not acceptable as Section 30(1) of the Act stipulates that the State Government shall appoint the Commissioner of Food Safety for the State for efficient implementation of the food safety and standards and other requirements laid down under this Act and the Rules and Regulations made thereunder. Since Commissioner is the Food Authority of the State, the notification in this regard was to be issued by the Commissioner. Further, the SLAC directed (October 2019) the Department of Food Safety to notify registered medical practitioners, action in this regard is yet to be taken by the Commissioner.

2.1.8.3. Shortfall in IEC allotment and expenditure

Information, Education and Communication (IEC) activities involving electronic and print media and in other manner have to be undertaken to make stakeholders aware about the essential elements of the Acts, Rules and Regulations. In addition, awareness among various stakeholders indicating Dos and Don'ts, hygiene, labelling, adulteration, shelf period of foods, etc., could be developed through newspaper advertisements, posters, leaflets, booklets, etc. In the Eighth Central Advisory Committee (CAC) meeting (July 2012), FSSAI highlighted that IEC activity is the backbone for enforcing the Act and awareness generation is one of the important components in rolling out the FSS Act. CAC advised that Food Safety Commissioners should take up with their Governments the need to plough back at least 75 per cent of licence fee collected for carrying out IEC activities.

On a scrutiny of records, Audit noticed that out of ₹55.18 crore⁶⁴ received by GoK by way of licence and registration fees during the audit period, the Department received only ₹5.58 crore for IEC activity and ₹4.18 crore was utilised for IEC activities. Thus, the amount spent was only 7.58 per cent of revenue earned (₹55.18 crore) through licence and registration fee.

⁶³ SLAC is constituted under Regulation 2.1.15 of FSS (Licensing and Registration of Food Businesses) Regulations, 2011, with Chief Secretary as Chairperson.

⁶⁴ Includes Licence fee and Registration fee

Besides this, National Health Mission had released ₹41.50 lakh (2019-21) and GoI ₹63.65 lakh (2020-21) towards various IEC activities. Out of the ₹41.50 lakh received, ₹10.32 lakh was utilised and balance surrendered to NHM. No fund released by GoI was utilised till date (September 2021).

Audit noticed that though CAC had suggested to utilise 75 *per cent* of fund received on account of licence fee, only 7.58 *per cent* was used for such activities. The funds received from agencies like NHM and GoI were also not fully utilised. It was seen that even though IEC activities are the backbone of the enforcement wing, the department did not give much importance to it.

Government stated (December 2021) that the decision of FSSAI in CAC meeting (2012) was for that period. However, during the Exit Conference, the Commissioner informed Audit that the Department would utilise 100 *per cent* of the amount received for IEC activities.

However, the fact remains that IEC activities are essential for creation of awareness among the stakeholders.

2.1.9. Conclusion

Despite ranking high in the SFSI rankings for the years 2019-20 and 2020-21, efficient implementation of the Food Safety and Standards Act, 2006 in the State suffered from deficiencies relating to various stages of implementation such as licensing and registration, inspection and sample collection, food analysis and monitoring. Monitoring by the department was insufficient as reflected in the absence of mechanism to follow up on FBO whose licences had expired, non-adherence to the norms for inspection of registered FBOs etc. There was delay in issue of licences and registrations by the Food Safety Department. Comparison of database of FBOs maintained by the Food Safety Department with similar data available with other Government agencies/ LSGIs revealed that a large number of FBOs remained outside the ambit of monitoring by the Department. Providing registration instead of licences to FBOs had resulted in revenue loss to the State. The Designated Officers did not prescribe the periodicity for inspecting licensed FBOs and the provisions of inspecting all registered FBOs annually was not adhered to by the Department. The Department could not ensure that non-conforming products do not reach the public. The FSSAI notified laboratories in the State are not NABL accredited for all the parameters and are not equipped to test all the parameters essential for declaring a particular food sample as safe. The laboratories entrusted with the function of testing offerings at Sabarimala temple and the raw materials used in making of offerings were declaring the food as safe without testing all required parameters. The recovery of penalty and compounding charges from erring FBOs was in arrears. There was shortfall in utilising funds for IEC activities meant for creating awareness about provisions of the Food Safety Act/ Rules/ Regulations.

2.1.10. Recommendations

- The Department should ensure that all licences and registration applications are processed and decision on it conveyed to the FBOs within the prescribed time, so that no FBOs commence business without the knowledge of the Department.
- The Department may take up with FSSAI for enabling an alert system in the software, by which the FSOs are notified about the licences/ registrations which are due to expire soon, so that the Department can have an oversight over the FBOs.
- The Department may take time bound action to ensure that all the FBOs are holding valid licence/ registration as the case may be. The Department may also cross verify the data of FBOs available with them with the data maintained by other Government agencies to identify FBOs which do not hold valid licence/ registration.
- Government may ensure the adequacy of manpower available with the Department to ensure effective discharge of its statutory functions.
- As quality of food consumed by its citizens is a primary concern of the State, Government may devise methods for testing of maximum number of food samples and early removal/ seizure/ recall of non-conforming food items from the market.
- Infrastructure facilities may be improved in laboratories under the Department to test all parameters of food samples as prescribed by FSSAI and efforts made to ensure strict compliance of FSS (Packaging and Labelling) Regulations, 2011.
- Efforts may be taken to obtain NABL accreditation for testing parameters in all laboratories under the department.
- IEC activities may be strengthened to make the stakeholders aware of hygiene, adulteration, shelf-life period of food products etc.

Appendix 2.1

Institutions selected for Audit

(Reference: Paragraph 2.1.3)

The Commissioner of Food Safety has two wings: Enforcement and Analytical wings.

I. Selection of samples from Enforcement Wing

(a). State/ Regional level offices

At the first level, the Office of the Commissioner of Food Safety (State-level office) and the Joint Commissioner (Enforcement wing) and Joint Commissioner (Admn, Legal and Vigilance wing) both functioning at Thiruvananthapuram were selected for audit. In addition, three regional offices (Offices of the Deputy Commissioner of Food Safety) at Thiruvananthapuram, Ernakulam and Kozhikode were selected for audit.

(b). District level offices

For auditing the Offices of the Assistant Commissioners at district level under each Office of the Deputy Commissioner, district level risk assessment was conducted on the following parameters for the years 2015-16 to 2020-21.

- i. Receipts for 2015-21
- ii. Number of Registered Food Business Operators (FBOs)
- iii. Number of Licensed Food Business Operators.
- iv. District-wise number of adjudication cases.
- v. District-wise number of prosecution cases
- vi. Samples lifted not commensurate with the targets fixed.

As the data sets containing the risk parameters were on different scales, a min-max normalisation of values was done and the districts were ranked on the basis of risk criteria. The data was divided into two strata containing high and low risk districts. Four samples out of 14 Offices of the Assistant Commissioners at district level were randomly selected using IDEA from the two strata. The Offices of Assistant Commissioner at Kozhikode, Thiruvananthapuram, Kasaragod and Kottayam were selected.

(c). Selection of Offices of Food Safety Officers at Circle/ Assembly Constituency level under the selected districts

25 per cent of the circle offices under the selected offices of Assistant Commissioners subject to a minimum of two samples were selected using SRSWOR using IDEA. The selected circles were:

Name of the Office	Name of Circle Offices
Office of Assistant Commissioner, Kozhikode	Kozhikode South
	Kozhikode North
	Beypore
	Koduvally
Office of the Assistant Commissioner, Thiruvananthapuram	Thiruvananthapuram
	Attingal
	Kazhakkuttom
	Vattiyoorkavu

Name of the Office	Name of Circle Offices
Office of the Assistant Commissioner, Kottayam	Kottayam
	Changanassery
	Vaikom
Office of the Assistant Commissioner, Kasaragod	Manjeshwaram
	Kasaragod

(d). Selection of Licences and Registration Certificates

Under each district and circle offices selected for audit, a minimum of 20 licences and six registration certificates respectively for each year were selected.

II. Selection of samples from Analytical Wing

The Government Analyst's Laboratory at Thiruvananthapuram and Regional Analytical Laboratories at Ernakulam and Kozhikode and the District Food Testing Laboratory at Pathanamthitta were selected.

Appendix 2.2

Details showing delay in issue of Registration Certificates

(Reference: Paragraph 2.1.4.1)

Sl. No.	Circle	Total number of registration applications received	Total certificates issued	No. of certificates delayed	Percentage of delayed certificates	Period of Delay		
						8 to 50 days	51 to 100 days	More than 100 days
1.	Thiruvananthapuram	7650	7435	2832	38	2560	192	80
2.	Vattiyoorkavu	4390	4363	2393	55	2241	107	45
3.	Kazhakuttom	3763	3737	2072	55	1379	213	480
4.	Attingal	2875	2863	1361	48	1144	187	30
5.	Changanasserry	2977	2973	1298	44	1169	76	53
6.	Kottayam	4455	4269	2029	48	1823	109	97
7.	Kozhikode south	4082	3927	1571	40	1455	73	43
8.	Kozhikode north	5134	4394	2167	49	1172	382	613
9.	Beypore	3014	2956	616	21	590	26	0
10.	Koduvally	2627	2337	748	32	526	78	144
11.	Kasaragod	2752	2728	655	24	529	111	15
12.	Manjeshwaram	1669	1667	449	27	379	70	0
	Total	45388	43649	18191		14967	1624	1600

Appendix 2.3

Details showing the number of Food Business Establishments registered in other Departmental platforms and having no valid FSSAI Registration/ Licence

(Reference: Paragraph 2.1.4.3)

Comparing data District	Licence list from LSGIs		State GST (GST Commissionerate)		Slaughter house list by Animal Husbandry Dept	
	Number of Food Business Establishments having licences	Number of FBOs without FSSAI Registration/ Licence	No of Restaurant dealers having GST registration	FBOs without FSSAI Licence	Number of slaughter houses as per data maintained by AH dept.	Slaughter houses with FSSAI Registration/ Licence
Thiruvananthapuram	100	71	162	96	8	Nil
Kottayam	100	11	51	2	3	Nil
Kozhikode	100	41	100	23	1	Nil
Kasaragod	48	21	25	1	5	Nil
Total	348	144	338	122	17	Nil

Appendix 2.4

Details of non-lifting of enforcement samples

(Reference: Paragraph 2.1.4.9)

Circle	Total number of Surveillance samples taken during 2016-21	Number of samples turned non-conforming	Details of non-conforming samples				Enforcement samples taken	Percentage of enforcement samples taken out of non-conforming samples
			*US	**SS	***MB	\$Misc.		
Thiruvananthapuram	422	55	19	10	11	15	8	14.55
Vattiyoorkavu	519	70	13	7	4	46	1	1.43
Kazhakuttom	144	18	5	1	5	7	3	16.67
Attingal	495	26	8	14	4	-	3	11.54
Kottayam	317	45	19	22	1	3	9	20.00
Changanassery	207	57	31	26	-	-	-	0
Vaikom	151	33	8	22	3	-	-	0
Kozhikode South	810	99	57	4	38	-	15	15.15
Kozhikode North	554	98	19	15	9	55	6	6.12
Koduvally	281	116	6	9	3	98	1	0.86
Beypore	315	51	12	36	-	3	3	5.88
Kasaragod	357	24	10	13	1	-	-	0
Manjeshwaram	216	16	7	6	3	-	7	43.75
Total		708					56	

*US - Unsafe **SS - Substandard ***MB - Misbranded \$Misc. - Miscellaneous and this includes unsafe and misbranded/ unsafe and substandard/ unsafe, misbranded and substandard and not satisfactory.

Appendix 2.5

Detailed analysis of parameters tested by three laboratories on selected samples

(Reference: Paragraph 2.1.5.1)

Food Tested	Name of Lab	Year	No. of samples analysed	No. of conforming samples and (per cent)	No. of samples unsafe	No. of samples misbranded	No. of samples substandard	No. of parameters to be tested as per Regulation	No. of parameters tested and (per cent)	No. of parameters for which laboratory is accredited
Milk	GAL, TVM	2016-17	66	53 (80.30)	0	1	12	36	8 (22.22)	2
		2017-18	273	209 (76.56)	0	0	64	35	7 (20.00)	2
		2018-19	379	277 (73.09)	0	1	101	33	7 (21.21)	2
		2019-20	381	344 (90.29)	1	0	36	99	7 (7.07)	2
		2020-21	583	541 (92.80)	0	0	42	99	7 (7.07)	2
	RAL, EKM	2016-17	122	122 (100.00)	0	0	0	36	8(22.22)	3
		2017-18	177	174 (98.30)	0	0	3	35	7 (20.00)	3
		2018-19	113	109 (96.46)	3	0	1	33	4 (12.12)	3
		2019-20	130	122 (93.84)	0	0	8	99	5(5.05)	3
		2020-21	153	151 (98.69)	0	0	2	99	5(5.05)	3
	RAL, KKD	2016-17	58	56 (96.55)	0	0	2	36	7 (19.44)	0
		2017-18	65	62 (95.38)	0	0	3	35	7 (20.00)	3
		2018-19	86	84 (97.67)	0	0	2	33	7 (21.21)	3
		2019-20	60	58 (96.67)	0	0	2	99	9 (9.09)	3
		2020-21	123	80 (65.04)	36	0	7	99	42 (42.42)	3
			2769	2442	40	2	285			
Fish	GAL, TVM	2016-17	37	35 (94.59)	2	0	0	21	1 (4.76)	0
		2017-18	55	39 (70.91)	9	0	7	22	1 (4.54)	0
		2018-19	350	341 (97.43)	9	0	0	22	1 (4.54)	0
		2019-20	620	619 (99.84)	1	0	0	23	1 (4.35)	0
		2020-21	389	372 (95.63)	2	0	15	23	1 (4.35)	0
	RAL, EKM	2016-17	102	100 (98.04)	2	0	0	21	1 (4.76)	0
		2017-18	30	30 (100.00)	0	0	0	22	1 (4.54)	0
		2018-19	30	30 (100.00)	0	0	0	22	1 (4.54)	0
		2019-20	56	56 (100.00)	0	0	0	23	1 (4.35)	0
		2020-21	76	70 (92.10)	6	0	0	23	1 (4.35)	0
	RAL, KKD	2016-17	1	1 (100.00)	0	0	0	21	0	0
		2017-18	10	6 (60.00)	4	0	0	22	0	0
		2018-19	98	98 (100.00)	0	0	0	22	0	0
		2019-20	142	111 (78.17)	31	0	0	23	0	0
		2020-21	17	12 (70.59)	5	0	0	23	0	0
			2013	1920	71	0	22			
Coconut oil	GAL, TVM	2016-17	66	52 (78.78)	0	2	12	35	7 (20.00)	4
		2017-18	273	201 (73.63)	0	8	64	35	7 (20.00)	4
		2018-19	379	271 (71.50)	0	7	101	35	7 (20.00)	5
		2019-20	381	339 (88.98)	1	5	36	35	7 (20.00)	5
		2020-21	583	518 (88.85)	0	23	42	35	15 (42.86)	5
	RAL, EKM	2016-17	128	112 (87.50)	0	3	13	35	7 (20.00)	4
		2017-18	347	275 (79.25)	0	9	63	35	7 (20.00)	5
		2018-19	418	321 (76.79)	0	19	78	35	7 (20.00)	6
		2019-20	353	324 (91.78)	0	8	21	35	7(20.00)	6
		2020-21	343	331 (96.50)	0	5	7	35	8 (22.86)	7
	RAL, KKD	2016-17	315	273 (86.60)	0	8	34	35	7 (20.00)	0
		2017-18	323	261 (80.80)	0	10	52	35	7 (20.00)	6
		2018-19	514	408 (79.30)	0	18	88	35	7 (20.00)	6
		2019-20	485	418 (86.10)	0	25	42	35	7 (20.00)	6
		2020-21	887	820 (92.40)	17	13	37	35	15 (42.86)	6
			5795	4924	18	163	690			

Food Tested	Name of Lab	Year	No. of samples analysed	No. of conforming samples and (per cent)	No. of samples unsafe	No. of samples misbranded	No. of samples substandard	No. of parameters to be tested as per Regulation	No. of parameters tested and (per cent)	No. of parameters for which laboratory is accredited
Coffee	GAL, TVM	2016-17	0	0	0	0	0	28	7 (25.00)	0
		2017-18	9	9 (100.00)	0	0	0	28	7 (25.00)	0
		2018-19	28	25 (89.29)	0	2	1	28	7 (25.00)	0
		2019-20	14	12 (85.71)	0	1	1	34	7 (20.59)	1
		2020-21	30	30 (100.00)	0	0	0	34	7 (20.59)	1
	RAL, EKM	2016-17	3	2 (66.67)	0	1	0	28	7 (25.00)	0
		2017-18	4	4 (100.00)	0	0	0	28	7 (25.00)	0
		2018-19	12	11 (91.67)	0	0	1	28	7 (25.00)	6
		2019-20	2	2 (100.00)	0	0	0	34	7 (20.59)	7
		2020-21	12	12 (100.00)	0	0	0	34	7 (20.59)	7
	RAL, KKD	2016-17	0	0	0	0	0	28	7 (25.00)	0
		2017-18	0	0	0	0	0	28	7 (25.00)	0
		2018-19	0	0	0	0	0	28	7 (25.00)	0
		2019-20	8	8 (100.00)	0	0	0	34	7 (20.59)	3
		2020-21	15	13 (86.67)	0	2	0	34	7 (20.59)	3
			137	128	0	6	3			
Packaged drinking water	GAL, TVM	2016-17	62	44 (70.97)	1	7	10	52	15 (28.85)	0
		2017-18	42	30 (71.43)	8	0	4	51	16 (31.37)	0
		2018-19	165	140 (84.85)	21	2	2	51	28 (54.90)	20
		2019-20	123	59 (47.97)	39	1	24	51	31 (60.78)	20
		2020-21	96	72 (75.00)	21	0	3	51	31 (60.78)	20
	RAL, EKM	2016-17	53	48 (90.57)	0	0	5	52	23 (44.23)	6
		2017-18	57	53 (92.98)	0	0	4	51	22 (43.14)	6
		2018-19	73	73 (100.00)	0	0	0	51	32 (62.75)	6
		2019-20	41	34 (82.93)	0	0	7	51	31 (60.78)	6
		2020-21	20	19 (95.00)	0	0	1	51	30 (58.82)	6
	RAL, KKD	2016-17	47	41 (87.23)	3	0	3	52	16 (30.76)	0
		2017-18	66	62 (93.94)	2	0	2	52	16 (30.76)	5
		2018-19	109	105 (96.33)	0	0	4	52	18 (35.29)	5
		2019-20	43	42 (97.67)	1	0	0	52	32 (61.53)	5
		2020-21	35	35 (100.00)	0	0	0	52	32 (61.53)	5
			1032	857	96	10	69			

Appendix 2.6

Details showing tests not conducted/ parameters not checked in surveillance sample analysis at District Food Testing Laboratory, Pathanamthitta

(Reference: Paragraph 2.1.5.3)

Sl. No.	Laboratory No. and Laboratory/ Sample Code No.	Food Item	Tests not conducted/ parameters not checked	Sample taken from
1	8062 SS-16/2020	Coriander Powder	(i) Volatile oil content (ii) Total Ash on dry basis (iii) Ash insoluble in dil HCl on dry basis	Sannidhanam
2	8063 SS-16/2020	Chilli Powder	(i) Total ash on dry basis (ii) Ash insoluble in dil HCl on dry basis (iii) Crude Fibre (iv) Non-volatile ether extract on dry basis (v) Test for pesticide residue	Sannidhanam
3	8067 SS-16/2020	Tea	(i) Total ash (ii) Water soluble Ash (iii) Alkalinity (iv) Acid Insoluble Ash (v) Water extract (vi) Crude Fibre (vii) Iron Filing	Sannidhanam
4	175 48/Spl. Squad 2/2019	Maaza	(i) Test for Food additives	Nilackal
5	8064 SS-16/2020	Rice	(i) Uric Acid (ii) Pesticide residue	Sannidhanam
6	1168 SS-38/18-19	Turmeric Powder	(i) Total ash on dry basis (ii) Ash insoluble in dil HCl on dry basis (iii) Colouring power expressed as curcuminoid content on dry basis (iv) Total starch (v) Test for Lead Chromate	Sannidhanam
7	8076 SS-17/2020	Semolina	(i) Total ash (ii) Ash insoluble in dil HCl (iii) Alcoholic Acidity (iv) Test for Gluten	Pamba
8	8065 SS-16/2020	Mustard	(i) Moisture (ii) Total ash (iii) Ash insoluble in dil HCl (iv) Non-volatile ether on dry basis (v) Volatile oil content on dry basis (vi) Allyl iso thiocyanate (vii) P-hydroxybenzyl iso thiocyanate (viii) Argemone seeds	Sannidhanam
9	8047 SS-12/2020	Green gram	(i) Moisture Content (ii) Uric Acid (iii) Pesticide residue	Pamba
10	8041 SS-11/2020	Rice	(i) Uric Acid (ii) Pesticide residue	Sannidhanam
11	1100 PB/SS/28/2018	Jaggery	(i) Total Sugar expressed as invert sugar (ii) Total Ash (iii) Ash insoluble in dil HCl	Pamba
12	1095 PB/SS/22/2018	Chilli Powder	(i) Total ash on dry basis (ii) Ash insoluble in dil HCl on dry basis (iii) Crude Fibre (iv) Non-volatile ether extract on dry basis (v) Test for pesticide residue	Pamba

Sl. No.	Laboratory No. and Laboratory/ Sample Code No.	Food Item	Tests not conducted/ parameters not checked	Sample taken from
13	8075 SS-17/2020	Green gram	(i) Moisture Content (ii) Uric Acid (iii) Pesticide residue	Pamba
14	1097 PB/SS/24/2018	Cumin seed	(i) Added colour (ii) Pesticide residue	Pamba
15	1139 SS/5/NIL-SQ/8/2019	Bonazoori rice	(i) Uric Acid (ii) Pesticide residue	Nilackal
16	278 SS-37/2019	Rice	(i) Uric Acid (ii) Pesticide residue	Sannidhanam
17	1005 SS/2/Pamba/2018	Green Gram Dal	(i) Moisture Content (ii) Uric Acid (iii) Pesticide residue	Pamba
18	1006 SS/3/Pamba/2018	Green Gram Dal	(i) Moisture Content (ii) Uric Acid (iii) Pesticide residue	Pamba
19	1007 SS/4/Pamba/2018	Green Gram Dal	(i) Moisture Content (ii) Uric Acid (iii) Pesticide residue	Pamba
20	1137 SS-3/NIL/2019	Red Chilli Powder	(i) Total ash on dry basis (ii) Ash insoluble in dil HCL on dry basis (iii) Crude Fibre (iv) Non-volatile ether extract on dry basis (v) Test for pesticide residue	Nilackal
21	1138 SS-4/NIL/2019	Turmeric Powder	(i) Total ash (ii) Ash insoluble in dil HCl on dry basis (iii) Colouring power expressed as curcuminoid content on dry basis (iv) Total starch	Nilackal
22	8081 SS-17/2020	Rice	(i) Uric Acid (ii) Pesticide residue	Sannidhanam
23	1096 PB/SS/23/18	Turmeric Powder	(i) Total Ash (ii) Ash insoluble in dil HCl (iii) Colouring power expressed as curcuminoid content on dry basis (iv) Total starch	Pamba
24	8046 SS-12/2020	Round Grain Rice	(i) Uric Acid (ii) Pesticide residue	Pamba
25	8050 SS/12/2020	Bengal gram	(i) Uric acid (ii) Pesticide residue	Pamba
26	8101 SS/22/2020	Honey	All parameters tested	Pamba
27	8075 SS-20/2020	Honey	All parameters tested	Pamba
28	1051 S.12/2018-19	Honey	All parameters tested	Pamba
29	1052 S.12/2018-19	Honey	All parameters tested	Pamba
30	131 5/SS/2019-20	Honey	All parameters tested	Pamba

Appendix 2.7

Details showing the number of cases in which FBOs having more than one licence/ stopped functioning/ no valid FSSAI Registration/ Licence

(Reference: Paragraph 2.1.8.1)

Details of selected licences

Districts	No. of cases test-checked	No. of cases considered	No. of cases in which more than one licence	No. of FBOs stopped functioning	No. cases neither renewed nor applied for new licence
Thiruvananthapuram	100	42	22	12	9
Kottayam	100	39	13	7	21
Kozhikode	100	34	11	14	10
Kasaragod	100	51	23	3	25
Total	400	166	69	36	65

Details of selected registrations

Districts	No. of cases test-checked	No. of cases considered	No. of cases in which more than one registration	No. of FBOs stopped functioning	No. cases neither renewed nor applied for new registration
Thiruvananthapuram	30	11	2	5	4
Vattiyoorkavu	30	9	5	Nil	4
Kazhakuttom	30	16	3	6	7
Attingal	30	6	1	2	3
Changanassery	30	9	1	2	6
Kottayam	30	3	1	Nil	2
Vaikom	30	7	Nil	Nil	7
Kozhikode South	30	9	2	Nil	7
Kozhikode North	30	7	1	Nil	6
Beypore	30	6	1	3	2
Koduvally	30	11	3	Nil	8
Kasaragod	30	10	2	6	2
Manjeshwaram	30	16	2	1	13
Total	390	120	24	25	71