

FIFTEENTH KERALA LEGISLATIVE ASSEMBLY

**COMMITTEE
ON
PUBLIC ACCOUNTS
(2023-2026)**

EIGHTY EIGHTH REPORT

(Presented on 28th January , 2026)



**SECRETARIAT OF THE KERALA LEGISLATURE
THIRUVANANTHAPURAM
2026**

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on

**Paragraphs relating to Health & Family Welfare and Higher
Education Departments contained in the Compliance Audit
Report of the Comptroller and Auditor General of India for the
year ended 31st March, 2021**

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COMMITTEE ON PUBLIC ACCOUNTS

(2023-2026)

COMPOSITION

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Shri. Selvarajan P. S., Joint Secretary.

Shri. Jomy K. Joseph, Deputy Secretary

Smt. Beena O. M., Under Secretary.

INTRODUCTION

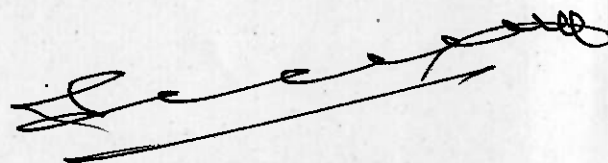
I, the Chairperson, Committee on Public Accounts, having been authorised by the Committee to present this Report, on their behalf present the Eighty Eighth Report on paragraphs relating to Health & Family Welfare and Higher Education Departments contained in the Compliance Audit Report of the Comptroller and Auditor General of India for the year ended 31st March, 2021.

The Compliance Audit Report of the Comptroller and Auditor General of India for the year ended 31st March, 2021 was laid on the Table of the House on 28th June, 2022.

The Committee considered and finalised this Report at the meeting held on 20th January, 2026.

The Committee place on records our appreciation of the assistance rendered to us by the Accountant General in the examination of the Audit Report.

Thiruvananthapuram,
28th January 2026



SUNNY JOSEPH,
Chairperson,
Committee on Public Accounts.

REPORT

HEALTH AND FAMILY WELFARE

and

HIGHER EDUCATION DEPARTMENTS

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.

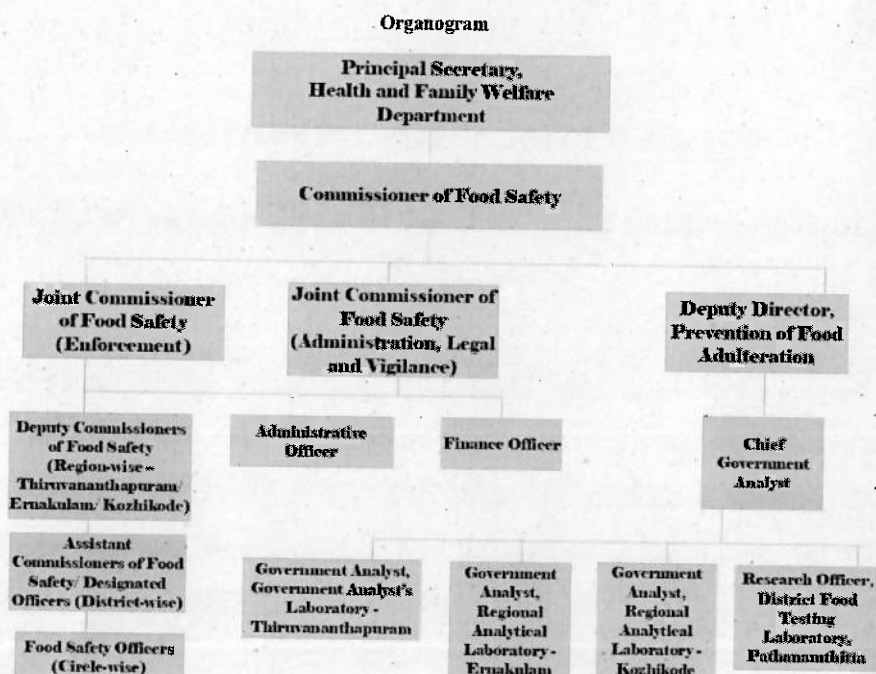
Kerala ranked fourth in the State Food Safety Index (SFSI) for the year 2019-20 and was elevated to second position in the SFSI for the year 2020-21¹.

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 three² 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.

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

2 Thiruvananthapuram, Ernakulam and Kozhikode



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 III(1)). From each selected district and circle, 20 licences and six registrations respectively for each year³ 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 registration⁴. 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 Regulation⁵, licence is mandatory for any Food Business Operator⁶ (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.

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

4 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

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

6 "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

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 ID⁷ 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.

Delay in issue of Licences/Registrations

While the Designated Officers⁸ (DO) are empowered to issue licences except Central licences⁹, Food Safety Officers¹⁰ (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 21,712¹¹ 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

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

8 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.

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

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

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

cases. In 1,600 cases, the delay for issue of registration was more than 100 days(Appendix III(2)).

Government replied (December 2021) that the migration to FoSCoS¹² 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.

[Audit Paragraphs 2.1.1 to 2.1.4.1 contained in the Report of the Comptroller and Auditor General of India for the year ended 31st March, 2021 (Compliance Audit Report).]

[Note furnished by the Government on the above audit paragraph is included as Appendix II]

(Excerpts from the discussion of Committee with officials concerned)

- 1) When the Committee directed to give an explanation regarding the audit paragraph 2.1.4.1, the Food Safety Commissioner submitted that the registration and licence were being provided through the Portal,

¹² 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.

foscoss.fssai.gov.in. The portal was having both alert and monitoring facilities and regular monitoring was being done by the Assistant Food Safety Commissioners. She added that zero pendency in registration and licensing had been achieved due to the regular monitoring made by the Food Safety and Standard Authority of India(FSSAI). The Deputy Accountant General highlighted that an inspection conducted at the Office of the Assistant Food Safety Commissioner, Thiruvananthapuram revealed a shortfall in collection of approximately ₹1 crore in revenue due to non-renewal of registrations. Similar lapses were also found in the inspections conducted at the offices of the Assistant Food Safety Commissioner in Kottayam, Pathanamthitta and Thrissur Districts. The Food Safety Commissioner submitted that such flaws usually occur when the Department officials were on leave and by merely imposing additional charges on the officials concerned could not solve the issue. To a query of the Committee, the Commissioner of Food Safety submitted that at present the area of jurisdiction of a Food Safety Officer was an entire constituency and a proposal for increasing the number of posts of Food Safety Officers had been submitted to the Government for consideration.

2) When the Committee enquired about the shortfall in collection of revenue due to non-renewal of registrations as highlighted by the Deputy Accountant General and the details of action taken on pending applications, the Food Safety Commissioner submitted that the registration and licensing portal in use prior to 2021 had some significant limitations, hence a new portal, foscoss.fssai.gov.in was developed and was currently in use. She added that actions had been taken on pending applications and penalties had been imposed for late renewal of licence. At that juncture, the Deputy Accountant General informed the Committee that no such report addressing those issues had been made available .

3) When the Committee enquired whether the licence was being issued in consultation with the Local Self Government Department, the Food Safety Commissioner submitted that while the Food Safety Department was

responsible for issuing licenses, the Local Self Government Department held the responsibility for license renewals. Currently, only one Food Safety Officer is assigned to a constituency, which poses challenges in effectively managing the wide operational area. To address that issue, a proposal had been submitted to the Government for the creation of 52 additional posts of Food Safety Officer, based on the number and density of food establishments in each area. The Committee accepted the reply.

Conclusion/Recommendation

4) No comments

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.

[Audit Paragraph 2.1.4.2 contained in the Report of the Comptroller and Auditor General of India for the year ended 31st March, 2021 (Compliance Audit Report).]

[Note furnished by the Government on the above audit paragraph is included as Appendix II]

(Excerpts from the discussion of Committee with officials concerned)

5) When the Committee enquired about the audit para, the Food Safety Commissioner submitted that the data pertaining to FBOs having licence had been maintained in the portal and if any institution was found to be operating without licence, the Food Safety Officers would issue notices and take necessary actions through manual processes. To a query of the Committee about the cross verification of data of LSG and GST Departments with that of the Food Safety Department's records, the Food Safety Commissioner confirmed that such cross verification with LSGD was conducted and issue of notices were being done regularly. However, he acknowledged that achieving complete accuracy is challenging due to the nature of the FBO's where new establishments emerge while others may cease operation. The Food Safety Department, being a small Department having only one Food Safety Officer in each constituency, was in need of additional personnel to enhance operational efficiency.

6) When the Committee enquired whether the database was being updated, the Food Safety Commissioner submitted that it had been maintained up to date as far as possible. The Committee opined that since only five to six units start functioning each month, no additional staff would be required for updating the database. The Food Safety Commissioner clarified that since the portal had been maintained online, all the units having licence would be included in the database, but in case of registration, the number of units would be much more. Also the registration database would be fluctuating as some of the units would not apply for registration in time, whereas the licence database is more accurate being a larger establishment. The units without having licence would be identified during inspection and necessary action was being taken against them. For promoting registration, necessary awareness were being provided through IEC (Information, Education and Communication) activities, but the registration database could not be claimed to be perfect. The Committee accepted the reply.

Conclusion/Recommendation

7) No comments

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, 2018¹³ by LSGIs with the FoSCoS data pertaining to the selected districts for the year 2020-21. Audit compared 348 licences issued by four LSGIs¹⁴ 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 III(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 III(3)).

¹³ 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'

¹⁴ 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 III(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 PoWs¹⁵ 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 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.

[Audit Paragraph 2.1.4.3 contained in the Report of the Comptroller and Auditor General of India for the year ended 31st March 2021 (Compliance Audit Report).]

[Note furnished by the Government on the above audit paragraph is included as Appendix II]

(Excerpts from the discussion of Committee with officials concerned)

8) The Committee enquired about the audit paragraph, which highlighted discrepancies between 348 food business licenses issued by four Local Self Government Institutions (LSGIs) in the selected districts and the data

¹⁵ Thiruvananthapuram - 241, Kottayam - 288, Kozhikode - 58 and Kasaragod - 60.

recorded in the Food Safety Compliance System (FoSCoS). The audit identified 144 Food Business Operators (FBOs) that were licensed but absent from the FoSCoS database maintained by the Food Safety Authorities. The Food Safety Commissioner submitted that the department is more vigilant in these areas consequent to audit observation. To enhance the integrity of the database, the Assistant Food Safety Commissioners had been entrusted with the task of cross-verifying the database of Food Safety Department with the records maintained by the LSG Department. She added that cross-verification was also being performed with data from the GST Department. The Committee criticized the lack of precise data in the Department's report and mandated that a comprehensive report about the audit observation should be submitted by the Department. The Senior Audit Officer had intervened and stated that all the reply furnished were in the form of a general statement. The Food Safety Commissioner submitted that a detailed report containing the exact data would be submitted.

9) The Committee excerpted the audit observation for the year 2020-21 that the crosschecking of data available with Food Safety Authorities regarding the number of slaughter houses with the data available with Animal Husbandry Department revealed that though there were 17 slaughter houses in the selected districts, none were listed in the database of Food Safety Department. The committee directed to give an explanation in that regard. The Food Safety Commissioner submitted that according to FSSAI regulations, licenses could not be granted to entities operating in violation of established rules and necessary enforcement actions would be pursued against non-compliant units. She clarified that while those establishments could operate under licences issued by the LSG Department, they have not been issued licences by the Food Safety Department. When the Deputy Secretary, Legislature Secretariat pointed out that the audit observation was focused on the issue of the database of slaughter houses rather than their

licensing, the Food Safety Commissioner reiterated that only entities with valid licenses would be included in the official database. The Committee wanted a detailed report in that regard and the Food Safety Commissioner agreed to do so.

10) During the Committee's enquiry regarding the licensing status of the seventeen identified slaughter houses, the Food Safety Commissioner clarified that none of the slaughter houses possessed the requisite FSSAI licenses and were therefore excluded from the database. She emphasized that FSSAI regulations were stringent. Upon submission of a license application for slaughter houses categorized as high-risk, an initial inspection is mandated. If any deficiencies were identified, the unit receives a notice for mandatory improvement according to FSSAI guidelines. Units failing to implement the necessary corrections were ineligible for high-risk category slaughter house licenses. On the other hand, for other categories, licensing can be done only on the basis of documents without prior inspections. The Committee accepted the reply.

11) When the Committee directed to give an explanation regarding the audit observations in connection with places of worship, the Food Safety Commissioner submitted that an initiative namely BHOG (Blissful Hygienic Offering to God) had been put forth by the FSSAI to identify and adopt the places of worship in all districts. Specific criteria had been fixed to those places of worship to improve and maintain food safety and hygiene practices. Information, Education and Communication (IEC) activities had played an important roll in preparing a database of the places of worship and providing BHOG Certification of FSSAI. She added that a significant progress had been attained in that regard. The Senior Audit Officer had intervened and clarified that there were 647 registered places of worship during the audit period and the audit observed that the details regarding such registered places of worship were not available with the Department. She pointed out that the action taken report on any of the cases specifically

referred to by the audit had not been provided. The Committee directed to submit a clear and detailed report regarding the audit observation and the Food Safety Commissioner agreed to do so.

Conclusion/Recommendation

12) The Committee observes that the database of FBOs maintained by the Department lacks integrity, and directs the Department to take immediate time bound action to cross verify the data of FBOs with the data maintained by other Government Departments and Local Bodies ensuring that all the FBOs are having valid licences/registrations. The Committee also notes with displeasure that the report submitted by the Department is merely a general statement and instructs the Department to furnish a comprehensive report specifically addressing all the points in the audit observation within two months.

13) The Committee views with serious concern that slaughter houses operating without requisite FSSAI licences pose significant risk to public health. The Committee directs the Department to submit a detailed report on the audit observation highlighting that many slaughter houses listed in the database of the Animal Husbandry Department are functioning without proper licence/registration and have failed to comply with the conditions set by the Food Safety Authority.

14) The Committee directs the Department to submit a comprehensive report on all places of worship that possess valid licence/registration and BHOG (Blissful Hygienic Offering to God) certification of FSSAI.

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 FBOs¹⁶ 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 lakh¹⁷ 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 FBOs¹⁸ selling organic products did not possess

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

17 $58 \times ₹1900 = ₹1.10 \text{ lakh}$

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

licence to sell such products. As per the Regulation¹⁹, 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 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 above²⁰ 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 lakh²¹ to the Government.

Government stated (December 2021) that a detailed report was

¹⁹ Food Safety and Standards (Organic Foods) Regulations, 2017.

²⁰ As per fee structure, hotels with classification five star and above require a Central licence with an annual fee of ₹7,500

²¹ $41 \times ₹3,000 = ₹1.23 \text{ lakh}$

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.

[Audit Paragraph 2.1.4.4 contained in the Report of the Comptroller and Auditor General of India for the year ended 31st March 2021 (Compliance Audit Report).]

[Note furnished by the Government on the above audit paragraph is included as Appendix II]

(Excerpts from the discussion of Committee with officials concerned)

15) While discussing the above audit paragraph, the Committee enquired about the audit observation related to Caterers. Then the Food Safety Commissioner submitted that as per the Act, a licence was mandatory for all catering units but during the audit period, several units were found operating solely with a registration certificate. But after the audit, special attention had been made to ensure that all catering units obtained the necessary licenses, although exemptions were retained for very small units with minimal annual turnover (manufacturing units for small parties or festivals). The Deputy Accountant General had intervened and stated that such a provision in the Act was not known to them and then the Committee inquired whether there was any provision that allow such small units to function without a licence. The Food Safety Commissioner submitted that small catering units need only registration certificate to function whereas proper licence was mandatory for large units. She added that there were more than three lakh registered institutions. To a query of the Committee about the mechanism used to assess the turnover of such small units and the various records being kept by them, the Food Safety Commissioner acknowledged the absence of a formal mechanism and informed that the assessment would be done based on the annual returns submitted by the units. The Deputy Accountant General clarified that the exemption provided was for the non caterable units but the audit observation was about the financial losses incurred by the Department due to non-compliance by some catering units operating

exclusively on registration certificates. The Food Safety Commissioner conceded that the audit discrepancies stemmed from ambiguities during that period but she assured that all major catering units have since been issued the required licenses. The Senior Audit Officer indicated that accurate record of such units should have been maintained and referenced a recent inspection at the office of the Assistant Food Safety Commissioner in Thrissur, which revealed a financial loss of ₹200,000 across seventeen cases. The Food Safety Commissioner informed that the number of catering units were not recorded in the report submitted and a revised report with accurate number of catering units during the year 2022-23 would be submitted.

16) When the Committee directed to give reply on the audit observation regarding the sale of organic products, the Food Safety Commissioner submitted that the licence was being issued as per the criteria and a revised report with all the details in that regard would be submitted.

17) While considering the audit remarks in connection with the three star and four star hotels, the Committee noted that an analysis of the list of hotels with three and four star ratings in the 'National database for accommodation units' maintained 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 disclosing their actual star category. This led to short-payment of licence fee of ₹2,000 instead of ₹5,000 and enquired about the explanation regarding the audit query. The Food Safety Commissioner explained that the applications for licence registration were made through the Akshaya portal but the details about the star rating of the hotels were not provided in the portal earlier. Such errors were identified later and in the mechanism followed at present mandates Food Safety Officers to maintain a comprehensive and cross-verified database of three and four-star hotels within their respective districts and constituencies,

specifying the star rating classification of the hotels.

18) The Committee pointed out the audit remarks that a loss of ₹1.23 lakh was incurred since the application for licence to star hotels as well as its issuance by the Department were done without specifying the star rating classification of the hotels. The Food Safety Commissioner submitted that such lapses had been identified later and at present, earnest efforts were being taken to rectify them. She added that necessary instructions had been issued to the Food Safety Officers for the maintenance of data regarding three star and four star hotels. She added that the physical verification would be very important in data maintenance. Then the Senior Audit Officer stated that the cross checking of the data carried out by them was based on the publicly available star rating information from the Ministry of Tourism's website and not on the basis of any physical inspection. Then the Food Safety Commissioner agreed to follow the method of website data verification.

Conclusion/Recommendation

19) **The Committee directs the Department to submit a detailed report regarding the licence/registration issued to catering units, incorporating the total number of such units along with the relevant provisions contained in the Act and Regulations concerned.**

20) **The Committee directs the Department to submit a report detailing the criteria for issuing licence to FBOs engaged in the sale of organic products and the details of units having such licences.**

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 259²² out of the 400 test-checked licences from four selected districts were new licences. Scrutiny of the applications for 259 new licences revealed that 165²³ 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 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.

[Audit Paragraph 2.1.4.5 contained in the Report of the Comptroller and Auditor General of India for the year ended 31st March 2021 (Compliance Audit Report).]

[Note furnished by the Government on the above audit paragraph is included as Appendix II]

(Excerpts from the discussion of Committee with officials concerned)

21) While considering the above audit paragraph, the Food Safety Commissioner submitted that the necessary documents required for issuing licences to various categories of units had been ensured. Hence, no such issues exist at present. The Committee accepted the reply.

Conclusion/Recommendation

22) No comments

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

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

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 85²⁴ 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.

[Audit Paragraph 2.1.4.6 contained in the Report of the Comptroller and Auditor General of India for the year ended 31st March 2021 (Compliance Audit Report).]

[Note furnished by the Government on the above audit paragraph is included as Appendix II]

(Excerpts from the discussion of Committee with officials concerned)

23) While considering the above audit paragraph, the Food Safety Commissioner submitted that the annual returns of the FBOs were being filed through an online portal and a fine of ₹100 was imposed on those who failed to comply with filing requirements. Also the licence of those units which had not filed the annual returns would not be renewed as per the directions issued by the FSSAI. When the Committee pointed out the audit remarks that in the scrutiny of records of manufacturers during the period from 2016 to 2020, only 7 out of 85 units had filed their returns. The Food Safety Commissioner replied that the number of units filing the annual return was very less. As a part of the IEC activities, various channels including television, print media, sms notifications etc., were utilized to inform the deadline of annual return submission. Additionally, a grace period of one to two months is provided each year to facilitate compliance. The Committee accepted the reply.

Conclusion/Recommendation

24) **No comments**

2.1.4.7 Inspection and Sample Collection

Shortfall in Inspections of FBOs

As per the provisions²⁵ 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

²⁵ Rule 2.1.3.4 (iii) (a)

report to the DO. Section 36 (3)(f) of the Act requires the DOs to maintain record of all inspections made by FSOs and action taken by them in the performance of their duties. Further, as per Regulation²⁶, 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 Officers²⁷ 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 certificates²⁸ from

²⁶ Regulation 2.1.1 (6) of the Food Safety and Standards (Licensing and Registration of Food Businesses) Regulation, 2011

²⁷ Assistant Commissioner

²⁸ from FoSCoS data

each selected district i.e. 400 licences were examined. Audit observed that only 119 licence holders²⁹ 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.

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 FoSCoRIS³⁰ 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.

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

30 FoSCoRIS means Food Safety Compliance with Regular Inspection and Sampling

[Audit Paragraph 2.1.4.7 contained in the Report of the Comptroller and Auditor General of India for the year ended 31st March 2021 (Compliance Audit Report).]

[Note furnished by the Government on the above audit paragraph is included as Appendix II]

(Excerpts from the discussion of Committee with officials concerned)

25) When the Committee enquired about the audit observation related to the shortfall in the inspections of FBOs, the Food Safety Commissioner replied that target for inspection and sample collection had been fixed for every month and that the number of inspections performed in Kerala showed significant growth compared to other states. However, the Deputy Accountant General raised concerns based on audit observations indicating that only 8,267 out of 42096 FBO units in Kozhikode district (19%) and 4,930 out of 10150 units in Kottayam district (48%) had been inspected. To a query of the Committee about whether the shortfall in the number of inspections was due to the shortage of inspection teams, the Food Safety Commissioner replied that the number of inspections had increased considerably at present, but as the number of units in each constituency had also been increased, it was not feasible to carry out inspection in all units. Then the Committee decided to recommend the Government to take steps to increase the number of posts of Food Safety Officers in the State.

26) The Food Safety Commissioner submitted that a large number of complaints were being received and each of them was being looked into by the Department. She added that the Department was facing the issue of shortage of vehicles as only one vehicle was provided for the use of all Food Safety Officers in a district. To a query of the Committee about conducting food safety inspections more efficiently through the involvement of more employees in LSG Department, the Food Safety Commissioner replied that the LSG Department staff had their own duties and it was the duty of the Food Safety Officers to conduct inspections. She added that joint inspection

by both the Departmental staff would be conducted, if necessary. The Committee opined that the food safety inspections could be made more efficient either by creating additional posts of Food Safety Officers or by utilizing the service of the Health Inspectors from the LSG Department and suggested to submit a proposal to the Government accordingly.

27) The Food Safety Commissioner clarified that the responsibilities of the Food Safety Department and the Local Self Government Department differ significantly. The Food Safety Department is tasked with ensuring the quality, safety, and hygiene of food, whereas the LSG Department focuses exclusively on hygiene inspections. Though the Health Inspectors of LSG Department would conduct inspections, its data would not be made available to the Food Safety Department.

28) The Director of Health Services intervened and submitted the necessity for adequate training in food sample collection, pointing out that the inspections conducted by the Health Department have inherent limitations, primarily relating to basic infrastructure assessments and monitoring for potential epidemics. The Committee opined that it would be more better to conduct joint inspections by the Health Inspectors and other staff of the LSG Department and proposed to submit a recommendation to the Government for the incorporation of such existing establishments. Then the Director of Health Services submitted that such a recommendation would be against the Central Law.

29) To a query of the Committee regarding the steps taken by the Food Safety Department for increasing the number of inspections, the Food Safety Commissioner replied that monthly targets had been fixed for all Food Safety Officers and the inspections being conducted at present had exceeded the target. The Centre and State had separate targets and the number of inspections conducted in Kerala had been increased considerably

when compared to the other States. When the Senior Audit Officer enquired whether any time limit had been fixed for conducting inspection in each establishment, the Food Safety Commissioner replied that no specific time constraints had been established but the inspections were being conducted based on food products. Statutory samples for survey and research purpose were collected every month. Inspection of certain products was being conducted in certain months as per the directions of FSSAI. She explained it through an example that the number of inspections on fish would be more during the period of trawling ban and some special squad would also be formed for that purpose. When the Deputy Accountant General pointed out that the report submitted by the Department did not contain such details, the Food Safety Commissioner submitted that a revised report containing all the details would be submitted.

30) While considering the audit observation related to FBOs holding licence and FBOs holding registration, the Committee made no comments as those audit remarks were discussed earlier.

Conclusion/Recommendation

31) The Committee recommends to take steps to increase the number of posts of Food Safety Officers in the Department to ensure the adequacy of manpower for effective discharge of the statutory functions.

32) The Committee directs the Department to submit a detailed report regarding the progress of target achievement in inspections and sample collection made in the FBOs, hindrances faced in carrying out inspections and the measures to be taken to increase the number of inspections.

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 85³¹ cases, nine each were issued in 2017-18 and 2018-19, 30 in 2019-20 and 37³² 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.

[Audit Paragraph 2.1.4.8 contained in the Report of the Comptroller and Auditor General of India for the year ended 31st March 2021 (Compliance Audit Report).]

[Note furnished by the Government on the above audit paragraph is included as Appendix II]

(Excerpts from the discussion of Committee with officials concerned)

33) When the Committee directed to give a reply on the audit paragraph, the Food Safety Commissioner submitted that the improvement notice

31 Thiruvananthapuram - 83, Kozhikode - 2

32 Thiruvananthapuram - 35, Kozhikode - 2

would be issued by the Assistant Food Safety Commissioner (District Head) and each FBO would be allowed a time span of fourteen days for follow up. On receiving the reply, a hearing would be conducted and necessary action would be taken. Then the Deputy Accountant General pointed out that only 15 out of 46 improvement notices issued recently were understood to have received replies and in 2022-23, the follow up action had been carried out by 12 FBOs only. The Food Safety Commissioner replied that as per Section 32 of the Act, the follow up action should be done and based on the hearing, further action would be taken. If the reply received during hearing was satisfactory, no further inspection would be done. However, if no improvement was there, the licence would be suspended. Earlier, due to the shortage of Food Safety Officers, the follow up action could not have been done properly. At present utmost efforts were being taken to carry out follow up actions. She added that a detailed reply in that regard would be submitted.

Conclusion/Recommendation

34) The Committee directs the Department to submit the details of the FBOs to which improvement notices have been issued and a detailed report regarding the follow up action conducted as per Section 32 of the Act, within two months.

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 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 III(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.

[Audit Paragraph 2.1.4.9 contained in the Report of the Comptroller and Auditor General of India for the year ended 31st March 2021 (Compliance Audit Report).]

[Note furnished by the Government on the above audit paragraph is included as Appendix II]

(Excerpts from the discussion of Committee with officials concerned)

35) The Committee excerpted the audit observation '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' and directed to give an explanation in that regard. The Food Safety Commissioner admitted that a lapse in lifting of the enforcement sample in time had occurred during that period. As stipulated in the Act, if the surveillance sample turned non-conforming, the whole product had to be taken as enforcement sample and the issue was being monitored in every monthly meeting. The Committee accepted the reply.

Conclusion/Recommendation

36) No comments

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 circles³³. Of these, the food samples taken by FSOs of four circles were unsafe. The unsafe food samples included Amrutham Nutrimix³⁴ 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

³³ Thiruvananthapuram, Vattiyoorkavu, Attingal, Kazhakuttom, Vaikom, Koduvally and Kasaragod

³⁴ Amrutham Nutrimix is a supplementary nutritional food given to children of the age six months to three years.

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 Anganwadis and statutory sampling was carried out in manufacturing units of Amrutham Nutrimix. Further, it was informed that statutory sampling process 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.

[Audit Paragraph 2.1.4.10 contained in the Report of the Comptroller and Auditor General of India for the year ended 31st March 2021 (Compliance Audit Report).]

[Note furnished by the Government on the above audit paragraph is included as Appendix II]

(Excerpts from the discussion of Committee with officials concerned)

37) When the Committee enquired about the audit paragraph, the Food Safety Commissioner submitted that surveillance samples were being collected from Anganwadis and Amrutham Nutrimix manufacturing Kudumbashree units and if any non-conformance was identified, direct action would not be taken by the Department, instead, the matter would be intimated to the Director of Women and Child Development. The Committee pointed out the audit remarks that out of the 13 circles selected by Audit, food samples were taken for surveillance only in seven circles. The Committee also inquired whether it would be better to inspect the companies that distribute food items to thousands of Anganwadis in the State. Then the Food Safety Commissioner submitted that the distribution of Nutrimix to the Anganwadis was being done through the Supplyco outlets and Kudumbashree Units, and regular inspections were being conducted there in every month. To a query of the Committee about inspecting the accuracy of Nutrimix being prepared by the Kudumbashree Units, the Food Safety Commissioner indicated that, an irregularity identified earlier had been communicated to the Director of Women and Child Development. Subsequent discussions have taken place, leading to necessary improvements within the units.

38) The Deputy Accountant General pointed out that samples were collected from another batch when a batch of food items was suspected to be problematic. The Committee viewed it as a very serious issue to identify one particular batch of food as unsafe and to collect samples from another batch. The Committee opined that action should be taken against those who were responsible as it being an issue affecting the children and enquired whether the Department was trying to protect someone. The Food Safety Commissioner submitted that there was no such intention and added that discussion in that regard had been held with the Department of Women and Child Development and necessary follow up action had been taken. When the Committee reiterated the seriousness of the issue, that instead of

collecting samples of one batch of food items, sample collection was done from another batch, four months later, the Food Safety Commissioner submitted that the food items of that particular batch were completely sold out at that time. The Committee accepted it and enquired about the delay that occurred in sample collection. Also the Committee sought the possibility of sample collection of all batches of food items at the production site itself. Then the Food Safety Commissioner replied that the Department did not have enough manpower to do that. Further, the Committee opined that the food items should be ensured to be of good quality and free from defects since it was to be distributed to children. Then the Committee decided to recommend that adequate steps should be taken to collect samples of all batches of food items at the production site itself, before its distribution. The Committee pointed out an issue that the sugar content in the food items being distributed from the Anganwadis was much more than that required for the children and sought clarification on what action could be taken in that regard. The Food Safety Commissioner replied that the ratio of each ingredient to be added to the Nutrimix would be determined by the Department of Women and Child Development and its quantity would be inspected by the Department concerned. No specification had been given for the sugar/salt ratio and the Nutrimix was found to have more sugar content. She added that the Food Safety Department could inspect safety aspects only and no action could be taken without any legal backing. When the Committee pointed out the audit remarks regarding the number of samples to be drawn, the Food Safety Commissioner submitted that sample collection did not meet any problem and was being done properly. Its analysis and necessary reporting were also being carried out as per rules. She added that a detailed report containing the number of inspections would be submitted.

39) The Committee excerpted the audit observation 'Audit noticed that

out of the 13 circles selected by Audit, food samples were taken for surveillance only in seven circles. Of these, the food samples taken by FSOs of four circles were unsafe. The unsafe food samples included Amrutham Nutrimix from Thiruvananthapuram, Kasaragod and Vaikom circles and Bengal gram from Kazhakuttom' and directed to give explanation in that regard. The Food Safety Commissioner submitted that the samples collected during 2022-23 were understood to be of surface standard. In connection with that, some issues had occurred at that time, and some of the institutions were withdrawn. Afterwards, an awareness program was organized for the Anganwadi workers and Kudumbashree members and through such means, they were made aware of ensuring safety and quality in the preparation of Nutrimix. Such activities were not in practice earlier but were adopted to resolve the issues that had occurred in connection with the Nutrimix. She added that a specific report incorporating the departmental data in that regard would be submitted. The Committee accepted the reply.

Conclusion/Recommendation

40) The Committee strongly criticises the Department for the serious issue of identifying a particular batch of food as unsafe and lifting statutory samples from another batch, after a delay of four to eight months. The Committee views with serious concern the incidence of distribution of unsafe food items to the children in Anganwadis and directs the Department to take stringent action against the delinquent Officers.

41) The Committee directs that all food items intended for distribution to children shall strictly meet the highest standards of quality and shall be entirely free from defects. The Committee recommends that adequate steps should be taken to collect samples from all batches of food items at the production site itself, before its distribution.

42) The Committee expresses its strong displeasure over the failure to lift sufficient number of statutory samples of Amrutham Nutrimix for

inspection and directs the Department to furnish a detailed report on the number of inspections conducted and the measures implemented to ensure safety and quality in the preparation of Nutrimix.

43) The Committee recommends the Department to take adequate steps to ensure maximum sample testing and initiate early removal or recall of any substandard food items from the market.

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 2017-21³⁵. 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.

³⁵ Food Recall Procedure Regulation came into force on 18 January 2017

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 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.

[Audit Paragraph 2.1.4.11 contained in the Report of the Comptroller and Auditor General of India for the year ended 31st March 2021. (Compliance Audit Report)]

[Note furnished by the Government on the above audit paragraph is included as Appendix II]

(Excerpts from the discussion of Committee with officials concerned)

44) When the Committee directed to give an explanation regarding the audit paragraph, the Food Safety Commissioner submitted that if a sample was found unsafe, that sample was to be recalled and at the same time, an opportunity to file appeal was to be given. If an appeal was filed, that particular sample would be referred to the lab and if found unsafe, recall procedure would be carried out according to the referral lab result. The report from the lab would be obtained utmost within 14 days of supplying the sample. The Committee wanted to know whether the sale of the product would continue during that period, the Food Safety Commissioner explained that the product sale would be ceased on the basis of first analysis and if found unsafe again in the second test, the recall procedure would be initiated. During the appeal period, the sample would be referred to the lab and based on the final result, recall procedure would be continued. In the case of licensee and manufacturers of other states, it would take more time to find out and proceed but the procedure of issues within the state could be completed in time. The Committee wanted to know whether the inspections being conducted were periodical or based on complaints. The Food Safety

Commissioner replied that both type of inspections would be there and the Committee accepted the reply.

Conclusion/Recommendation

45) No comments

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'³⁶, 'sub-standard'³⁷ or

³⁶ Unsafe food means an article of food whose nature, substance or quality is so affected as to render it injurious to health.

³⁷ Sub-standard foods do not meet the specified standards but not so as to render the article of food unsafe

‘misbranded’³⁸.

The Department of Food Safety has notified three laboratories³⁹ 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 foods⁴⁰.

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 III(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

38 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.

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

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

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 milk⁴¹, 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-17025:2017⁴².

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

41 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.

42 Accreditation standard for NABL

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 2012⁴³), District Food Testing Laboratory was established in Pathanamthitta (October 1998) mainly for testing *vazhipad*⁴⁴ articles of Sabarimala temple. Two other laboratories⁴⁵ were established at Pamba and Sannidhanam⁴⁶ 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 notified⁴⁷ by FSSAI nor accredited by

43 Laboratories at Pamba and Sannidhanam

44 Offerings at temple

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

46 Place where Sabarimala temple is located

47 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.

NABL. During Sabarimala festival season, samples of food items from various shops at Sannidhanam, Pampa and Nilackal were tested as surveillance samples at Pathanmthitta 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 III(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 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.

[Audit Paragraphs 2.1.5.1 to 2.1.5.4 contained in the Report of the Comptroller and Auditor General of India for the year ended 31st March, 2021 (Compliance Audit Report).]

[Note furnished by the Government on the above audit paragraph is included as Appendix II]

(Excerpts from the discussion of Committee with officials concerned)

46) The Committee directed to furnish a report regarding the audit paragraph 2.1.5.1 and the Food Safety Commissioner agreed to do so.

47) While considering the audit paragraph 2.1.5.2, the Food Safety Commissioner submitted that three laboratories of Kerala located in Thiruvananthapuram, Ernakulam and Kozhikode had obtained NABL accreditation. The Committee accepted the reply.

48) When the Committee directed to give an explanation regarding the audit paragraph 2.1.5.3, the Food Safety Commissioner submitted that the matter was of very serious nature. In order to ensure the mandated food safety standards at Sabarimala, proper laboratory facilities had been established there and Food Safety Officers and Food Analysts were being posted in every season to monitor the compliance effectively. All the necessary support and cooperation were being provided by the Devaswom Board for the implementation of those safety measures. All raw materials and finished products were being tested and the results were being reported to both the Devaswom Board Secretary and the Special Commissioner. To a query of the Committee, the Food Safety Commissioner submitted that all facilities were available there and the current system is only a temporary one. The lab being constructed in Pathanamthitta as per the directions of the Hon'ble High Court of Kerala would become operational in January 2025, and thus enhance the overall food safety framework by establishing a more robust and permanent operational capacity.

49) To a query of the committee regarding the audit reference in para 2.1.5.4, The Food Safety Commissioner replied that the Date of Expiry and two or three ingredients were missing in the label earlier and the matter had been informed to the authority concerned. As per the directions of the Hon'ble High Court of Kerala, all such details required in the label had been included at present. The Committee accepted the reply.

Conclusion/Recommendation

50) **The Committee directs the Department to furnish a detailed**

report regarding the audit paragraph 2.1.5.1.

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 offices⁴⁸. 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 charge⁴⁹ 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.

[Audit Paragraph 2.1.6.1 contained in the Report of the Comptroller and Auditor General of India for the year ended 31st March, 2021 (Compliance Audit Report).]

[Note furnished by the Government on the above audit paragraph is included

48- Food Safety Commissionerate, Office of the Assistant Commissioner

49 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

as Appendix II]

(Excerpts from the discussion of Committee with officials concerned)

51) The Committee made no comments as the audit remarks was discussed earlier.

Conclusion/Recommendation

52) **No comments**

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 2011⁵⁰ 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.

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

⁵⁰ Rule 3.1.1(9) of the FSS Rules, 2011

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.

[Audit Paragraphs 2.1.7.1 to 2.1.7.4 contained in the Report of the Comptroller and Auditor General of India for the year ended 31st March, 2021 (Compliance Audit Report).]

[Note furnished by the Government on the above audit paragraph is included as Appendix II]

(Excerpts from the discussion of Committee with officials concerned)

53) When the Committee directed to give an explanation regarding the audit paragraph 2.1.7.1, the Food Safety Commissioner submitted that the

audit observation was related to prosecution proceedings. The test result of the sample sent to the lab would be obtained within a period of 14 days and if it was found unsafe, the Commissioner should be informed about it. Necessary instructions had been issued to all Assistant Commissioners to inform the Commissioner in time, if any unsafe result related to an institution within the State was received. It had been ensured that no delay was occurring in that regard. The prosecution proceedings could be initiated only with the written approval of the Commissioner.

54) While considering the audit paragraph 2.1.7.2, the Committee enquired whether any delay occurred in adjudication could be detected, the Food Safety Commissioner replied that adjudication was being done at the RDO level. The Deputy Accountant General intervened and stated that the department was still showing laxity regarding the delay, Some recently held inspections had revealed that in Kozhikode district, delay ranging from 60 to 229 days were found in the sanctioning of prosecutions and in Thrissur district, even the recommendations were not forwarded in 83 cases. Then the Food Safety Commissioner submitted that the institutions would normally take two months time for filing the appeal and in case of the issues related to other states, it would take more time to collect address and other details. The maximum time allowed under the Act itself was one year. She added that a detailed reply incorporating the relevant sections would be submitted on audit paragraphs 2.1.7.1 and 2.1.7.2.

55) When the Committee directed to give reply on the audit paragraph 2.1.7.3, the Food Safety Commissioner replied that it was up to the Revenue Department to take action on revenue recovery proceedings and necessary follow up actions and assessments were being carried out by the Food Safety Department in the review meetings. Then the Deputy Accountant General pointed out that the collection of an amount of ₹2.76 crore from six offices

under the Food Safety Department had been found pending. Then the Food Safety Commissioner submitted that the revenue recovery proceedings were being monitored in the review meetings of the District Collector and Assistant Commissioners and a detailed report in that regard would be submitted.

56) The Committee directed to furnish report regarding the audit paragraph 2.1.7.4 and the Food Safety Commissioner agreed to do so.

Conclusion/Recommendation

57) **The Committee directs the Department to furnish a detailed report incorporating the relevant sections regarding the audit paragraphs 2.1.7.1 and 2.1.7.2 within two months.**

58) **Regarding the audit paragraph 2.1.7.3, the Committee directs the Department to submit a detailed report on the present status of the revenue recovery proceedings. The Committee also directs the Department to submit a report on the pendency in compounding cases (audit paragraph 2.1.7.4).**

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 Regulations⁵¹ stipulate that a

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

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 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 fee⁵² 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 licences⁵³ 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 120⁵⁴ 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 III(7)). In the Exit Conference (18 November 2021) Principal Secretary, Health and Family

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

53 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.

54 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.

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.

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)⁵⁵, 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

⁵⁵ SLAC is constituted under Regulation 2.1.15 of FSS (Licensing and Registration of Food Businesses) Regulations, 2011, with Chief Secretary as Chairperson.

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 crore⁵⁶ 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.

Besides this, National Health Mission had released ₹41.50 lakh

⁵⁶ Includes Licence fee and Registration fee

(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.

[Audit Paragraph 2.1.8.1 to 2.1.10 contained in the Report of the Comptroller and Auditor General of India for the year ended 31st March, 2021 (Compliance Audit Report).]

[Note furnished by the Government on the above audit paragraph is included as Appendix II]

(Excerpts from the discussion of Committee with officials concerned)

59) Since the audit remarks in paragraph 2.1.8.1 were discussed earlier, the Committee made no comments but directed to furnish a report incorporating the details of the status of recovery amounts. The Food Safety Commissioner submitted that a detailed report containing the latest figures would be submitted.

60) When the Committee enquired about the audit observation in paragraph 2.1.8.2, the Food Safety Commissioner submitted that the Food Safety Act contains a section itself in that regard. The medical officers were not provided any notification in that regard, till date. In case of food poisoning, all necessary steps were being completed very quickly. She added that notification in that regard would be issued to all medical officers

without delay. The Committee accepted the reply.

61) While considering the audit paragraph 2.1.8.3, the Committee enquired about the reason for the under utilization of 90 percent of the NHM funds allocated for IEC activities. The Food Safety Commissioner acknowledged the prevailing issue of unutilized NHM funds, clarifying that the funding structure has transitioned from a 60 percent central and 40 percent state share model to a 100 percent central fund based on Memorandum of understanding (MOU) signed between FSSAI and Food Safety Department of Government of Kerala. She further stated that the timing of fund disbursement towards the end of the financial year hampered full utilization and assurances were received from the Food Safety and Standards Authority of India (FSSAI) that, measures would be implemented to disburse funds at the start of the upcoming fiscal year. The allocated IEC funds for each district could only be expended on activities aligned with the designated purpose for that district. The IEC funds for each district could be expended for the category to which the fund was allocated in that district. The fund allocated for the year 2023-24 was not released yet and the unutilized fund had to be surrendered during the month of April. The entire fund could be utilized if it was released in the beginning of the year. She added that more fund utilization was being expected in the forthcoming year. The Committee accepted the reply and directed to furnish detailed reports on pending audit paragraphs at the earliest and the Food Safety Commissioner agreed to do so.

Conclusion/Recommendation

62) The Committee directs the Department to submit the updated status report regarding the audit paragraph 2.1.8.1.

2.3 Loss of revenue due to short collection of material testing charges by educational institutions

Failure of Higher Education Department/Directorate of Technical Education to seek clarification about Government Order resulted in loss of

₹65.27 lakh.

Government of Kerala (GoK) collects fees/ user charges in connection with various services/ facilities rendered by Government Departments. In order to ensure maintenance of minimum standard of service rendered and mobilise additional resources for the State, GoK decided (September 2014) to enhance the prevailing fees/ user charges in all Government departments other than educational fees/ charges. The existing rates⁵⁷ of ₹10 to ₹1,000, ₹1,001 to ₹10,000 and above ₹10,000 were enhanced by 50 per cent, 25 per cent and 15 per cent respectively, with effect from 01 October 2014.

As per the Government Order (May 1991) the Engineering Colleges and Polytechnics conduct tests on payment basis for engineering materials like brick, tiles, bitumen, power transformers etc., for both private and government agencies, at rates approved by GoK. The charges thus collected are required to be shared between GoK and the institution in the ratio of 60:40. Other connected expenses such as travel allowance of staff, transportation of equipment, collection and sending of samples, other contingencies etc., were to be additionally collected.

Audit of Government Polytechnic College, Kannur, College of Engineering, Thiruvananthapuram and Government Polytechnic College, Perinthalmanna functioning under the Directorate of Technical Education (May 2019, August 2019 and July 2021) revealed that these three institutions did not implement the Government Order No. GO (P) No.409/2014/Fin dated 23 September 2014 enhancing fees/ user charges as they continued to collect the charges at the pre-revised rates. This resulted in short collection of testing charges by the institutions during the period from October 2014 to March 2019⁵⁸ as shown in Table 2.3 below.

57 The rates which were effective from January 2012

58 The rates were further enhanced from April 2019

Table 2.3: Institution-wise details of short collection of material testing charges
(₹ in lakh)

Name of institution	Short collection		
	GoK share	Institution share	Total
College of Engineering, Thiruvananthapuram	33.80	22.54	56.34
Government Polytechnic College, Kannur	2.51	1.67	4.18
Government Polytechnic College, Perinthalmanna ⁵⁹	2.85	1.90	4.75
Total			65.27

(Source: Details obtained from respective institutions)

The College of Engineering, Thiruvananthapuram informed Audit (August 2019) that the Government Order of 2014 was not implemented as it was not received in the College. Government Polytechnic College, Perinthalmanna stated (July 2021) that they were not aware of the matter. The Director of Technical Education (DTE) informed Audit (April 2021) that the decision of revision of non-tax revenue by GoK was not communicated to sub-offices since the revision was not applicable for all fees administered in educational institutions. The Finance Department, GoK which issued the Government Order enhancing the fees/ user charges clarified to Audit (June and September 2021) that only educational fees/ charges were exempted from the revision and the exemption did not cover services such as testing charges provided by Engineering Colleges/ Polytechnics. Further, Finance department informed that the Government Order No. GO (P) No.409/2014/Fin dated 23 September 2014 enhancing the rates had led to confusion in educational institutions and a clear note would be issued specifying all exemptions applicable to the Education Department.

Additional Chief Secretary, Higher Education Department (HED), GoK stated (January 2022) that the Finance Department had now clarified

⁵⁹ Collected revised GoK share from January 2019

that only educational fees/ charges were exempted from the revision and the exemption did not cover services such as testing charges provided by Engineering Colleges/ Polytechnics. The lack of clarity in the non-tax revenue revision order was cited as the reason for non-collection of revised charges.

Thus, the lack of clarity in Government Order and the failure of HED/ DTE to obtain timely clarification regarding the Government Order issued by Finance Department resulted in revenue loss of ₹65.27 lakh.

[Audit Paragraph 2.3 contained in the Report of the Comptroller and Auditor General of India for the year ended 31st March, 2021 (Compliance Audit Report).]

[Note furnished by the Government on the above audit paragraph is included as Appendix II]

(Excerpts from the discussion of Committee with officials concerned)

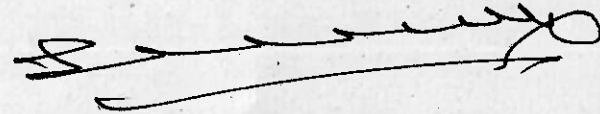
63) When the Committee enquired about the audit observation regarding the loss of ₹65.27 lakh due to failure of the Department to seek clarification about Government Order concerned, the Additional Secretary, Higher Education Department submitted that the Government Order issued earlier had lacked the clarity about the exemption provided to material testing charges from 5% increase. He added that a loss of ₹65.27 lakh had occurred during the period from October, 2014 to March, 2019 and thereafter, the enhanced rate of testing charges is being effected. Then the Deputy Accountant General intervened and stated that the exemption provided was only for two cases, and the same had been clearly stated in the Government Order. He added that further clarification about the Order, if needed, had to be sought by the Department. The Additional Secretary, Higher Education Department informed that as per the clarification received earlier, all fees administered under the education sector were exempted from revision and another clarification received only after six months stated that the exemption to revision of charges made was to services except testing charges provided by Engineering Colleges. The Deputy Accountant General

opined that the amount could be recovered from the agencies, if they were still operating. The Director, Technical Education Department informed that recovering the lost amount after ten years would be quite challenging.

Conclusion/Recommendation

64) The Committee observes that the negligence on the part of the Department has resulted in the loss of ₹65.27 lakh to the State exchequer and recommends that the Department shall exercise greater diligence to prevent such flaws in the future.

Thiruvananthapuram,
28th January 2026



SUNNY JOSEPH,
Chairperson,
Committee on Public Accounts.

APPENDIX I

SUMMARY OF MAIN CONCLUSIONS / RECOMMENDATIONS

Sl No.	Para No.	Department concerned	Conclusion / Recommendation
1	12	Health and Family Welfare	The Committee observes that the database of FBOs maintained by the Department lacks integrity, and directs the Department to take immediate time bound action to cross verify the data of FBOs with the data maintained by other Government Departments and Local Bodies ensuring that all the FBOs are having valid licences/registrations. The Committee also notes with displeasure that the report submitted by the Department is merely a general statement and instructs the Department to furnish a comprehensive report specifically addressing all the points in the audit observation within two months.
2	13	Health and Family Welfare	The Committee views with serious concern that slaughter houses operating without requisite FSSAI licences pose significant risk to public health. The Committee directs the Department to submit a detailed report on the audit observation highlighting that many slaughter houses listed in the database of the Animal Husbandry Department are functioning without proper licence/registration and have failed to comply with the conditions set by the Food Safety Authority.

Sl No.	Para No.	Department concerned	Conclusion / Recommendation
3	14	Health and Family Welfare	The Committee directs the Department to submit a comprehensive report on all places of worship that possess valid licence/registration and BHOG (Blissful Hygienic Offering to God) certification of FSSAI.
4	19	Health and Family Welfare	The Committee directs the Department to submit a detailed report regarding the licence/registration issued to catering units, incorporating the total number of such units along with the relevant provisions contained in the Act and Regulations concerned.
5	20	Health and Family Welfare	The Committee directs the Department to submit a report detailing the criteria for issuing licence to FBOs engaged in the sale of organic products and the details of units having such licences.
6	31	Health and Family Welfare	The Committee recommends to take steps to increase the number of posts of Food Safety Officers in the Department to ensure the adequacy of manpower for effective discharge of the statutory functions.


Sl No.	Para No.	Department concerned	Conclusion / Recommendation
7	32	Health and Family Welfare	The Committee directs the Department to submit a detailed report regarding the progress of target achievement in inspections and sample collection made in the FBOs, hindrances faced in carrying out inspections and the measures to be taken to increase the number of inspections.
8	34	Health and Family Welfare	The Committee directs the Department to submit the details of the FBOs to which improvement notices have been issued and a detailed report regarding the follow up action conducted as per Section 32 of the Act, within two months.
9	40	Health and Family Welfare	The Committee strongly criticises the Department for the serious issue of identifying a particular batch of food as unsafe and lifting statutory samples from another batch, after a delay of four to eight months. The Committee views with serious concern the incidence of distribution of unsafe food items to the children in Anganwadis and directs the Department to take stringent action against the delinquent Officers.

Sl No.	Para No.	Department concerned	Conclusion / Recommendation
10	41	Health and Family Welfare	The Committee directs that all food items intended for distribution to children shall strictly meet the highest standards of quality and shall be entirely free from defects. The Committee recommends that adequate steps should be taken to collect samples from all batches of food items at the production site itself, before its distribution.
11	42	Health and Family Welfare	The Committee expresses its strong displeasure over the failure to lift sufficient number of statutory samples of Amrutham Nutrimix for inspection and directs the Department to furnish a detailed report on the number of inspections conducted and the measures implemented to ensure safety and quality in the preparation of Nutrimix.
12	43	Health and Family Welfare	The Committee recommends the Department to take adequate steps to ensure maximum sample testing and initiate early removal or recall of any substandard food items from the market.
13	50	Health and Family Welfare	The Committee directs the Department to furnish a detailed report regarding the audit paragraph 2.1.5.1.

Sl No.	Para No.	Department concerned	Conclusion / Recommendation
14	57	Health and Family Welfare	The Committee directs the Department to furnish a detailed report incorporating the relevant sections regarding the audit paragraphs 2.1.7.1 and 2.1.7.2 within two months.
15	58	Health and Family Welfare	Regarding the audit paragraph 2.1.7.3, the Committee directs the Department to submit a detailed report on the present status of the revenue recovery proceedings. The Committee also directs the Department to submit a report on the pendency in compounding cases (audit paragraph 2.1.7.4).
16	62	Health and Family Welfare	The Committee directs the Department to submit the updated status report regarding the audit paragraph 2.1.8.1.
17	64	Higher Education	The Committee observes that the negligence on the part of the Department has resulted in the loss of ₹65.27 lakh to the State exchequer and recommends that the Department shall exercise greater diligence to prevent such flaws in the future.

APPENDIX. II
Notes furnished by the Government.

Audit Para No.	Audit Para	Remarks
2.3	Loss of revenue due to short collection of material testing charges by educational institutions	<p>Audit of College of Engineering Trivandrum, Government Polytechnic College, Kannur and Government Polytechnic College, Perinthalmanna revealed that these institutions didn't implement the enhanced fees/ user charges thus resulting in short collection of testing charges during the period from October 2014 to March 2019 resulting in revenue loss of 65.27 lakh.</p> <p>These institutions didn't implement the revision as the decision of revision was not applicable for all fee administered in educational institutions.</p> <p>As per Government Order G.O (Ms) No.06/2012/H.Edn dated 09.01.2012, testing charges for the institutions under Technical Education Department were revised. Also, GO(P) No.409/2014/Fin dated 23.09.2014, Finance Department enhanced the prevailing fees/ user charges in all Government Departments other than education fees/ charges.</p> <p>However, Finance Department later clarified that only educational fees/ charges were exempted from the revision and the exemption didn't cover services such a testing charges. Thus, the lack of clarity in Government Order GO(P) No. 409/2014/Fin dated 23.09.2014 resulted in the loss of revenue.</p> <p>Now as per G.O (Rt) No.28/2019/Fin dated 08.03.2019, rates of testing charges had already increased by 5% over the rates as per GO(P) No. 409/2014/Fin in all the institutions under Technical Education Department. Hence its requested to drop this audit issue.</p>


AJAYAN. C
 PIN : 101617
 ADDITIONAL SECRETARY
 HIGHER EDUCATION DEPARTMENT
 GOVT. SECRETARIAT,
 THIRUVANANTHAPURAM

STATEMENT OF REMEDIAL MEASURES TAKEN ON THE AUDIT PARA

OF THE COMPLIANCE AUDIT REPORT FOR THE YEAR ENDED MARCH 2021

Audit Para No.	Audit Para	Remedial Measures Taken
2.3	<p style="text-align: center;">HIGHER EDUCATION DEPARTMENT</p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p>Loss of revenue due to short collection of material testing charges by educational institutions</p> </div> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p><i>Failure of Higher education Department/ Directorate of Technical Education to seek clarification about Government Order resulted in loss of ₹ 65.27 lakh.</i></p> </div> <p>Government of Kerala (GoK) collects fees/ user charges in connection with various services/ facilities rendered by Government Departments. In order to ensure maintenance of minimum standard of service rendered and mobilise additional resources for the State, GoK decided (September 2014) to enhance the prevailing fees/ user charges in all Government departments other than educational fees/charges. The existing rates⁸³ of ₹10 to ₹1,000, ₹1,001 to ₹10,000 and above ₹10,000 were enhanced by 50 per cent, 25 per cent and 15 per cent respectively with effect from 01 October 2014.</p> <p>As per the Government Order (May 1991) the Engineering Colleges and Polytechnics conduct tests on payment basis for engineering materials</p>	<p>Finance Department has already informed the Accountant General that exemptions granted did not extend to cover the services such as testing charges provided by colleges to its clients but was limited to the education fees/charges in respect of services/facilities provided to students and training institutions. Also, in the audit report, the AG has pointed out that the latest revision has been made in 2019. A copy of the clarification issued to Higher Education / General Education Department as specified in the letter to AG dated 23/06/2021 is enclosed for reference.</p>

like brick, tiles, bitumen, power transformers etc., for both private and government agencies, at rates approved by GOK. The charges thus collected are required to be shared between GOK and the institution in the ratio of 60:40. Other connected expenses such as travel allowance of staff, transportation of equipment, collection and sending of samples, other contingencies etc., were to be additionally collected.

Audit of Government Polytechnic College, Kannur, College of Engineering, Thiruvananthapuram and Government Polytechnic College, Perinthalmanna functioning under the Directorate of Technical Education (May 2019, August 2019 and July 2021) revealed that these three institutions did not implement the Government Order No. GO (P) No.409/2014/Fin dated 23 September 2014 enhancing fees/ user charges as they continued to collect the charges at the pre revised rates. This resulted in short collection of testing charges by the institutions during the period from October 2014 to March 2019 ⁸⁴ as shown in Table 2.3 below.

Table 2.3. *Institution-wise details of short collection of material testing charges*

(₹ in lakh)

Name of institution	Short collection		
	GOK share	Institution share	Total
College of Engineering, Thiruvananthapuram	33.80	22.54	56.34
Government Polytechnic College, Kannur	2.51	1.67	4.18

Name of institution	Short collection		
	GoK share	Institution share	Total
Government Polytechnic College, Perinthalmanna ⁸⁵	2.85	1.90	4.75
Total			65.27

(Source : Details obtained from respective institutions)

The College of Engineering, Thiruvananthapuram informed Audit (August 2019) that the Government Order of 2014 was not implemented as it was not received in the College. Government Polytechnic College, Perinthalmanna stated (July 2021) that they were not aware of the matter. The Director of Technical Education (DTE) informed Audit (April 2021) that the decision of revision of non-tax revenue by GoK was not communicated to sub-offices since the revision was not applicable for all fees administered in educational institutions. The Finance Department, GoK which issued the Government Order enhancing the fees/ user charges clarified to Audit (June and September 2021) that only educational fees/ charges were exempted from the revision and the exemption did not cover services such as testing charges provided by Engineering Colleges/ Polytechnics. Further, Finance department informed that the Government Order No. GO (P) No.409/2014/Fin dated 23 September 2014 enhancing the rates had led to confusion in educational institutions and a clear note would be issued specifying all exemptions applicable to the Education Department.


Additional Chief Secretary, Higher Education Department (HED), GoK stated (January 2022) that the Finance Department had now clarified that only educational fees/ charges were exempted from the revision and the exemption did not cover services such as testing charges provided by Engineering Colleges/ Polytechnics. The lack of clarity in the non-tax revenue revision order was cited as the reason for non-collection of revised charges.

Thus, the lack of clarity in Government Order and the failure of HED/ DTE to obtain timely clarification regarding the Government Order issued by Finance Department resulted in revenue loss of ₹65.27 lakh.

⁸³ The rates which were effective from January 2012

⁸⁴ The rates were further enhanced from April 2019

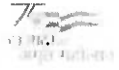
⁸⁵ Collected revised GoK share from January 2019


P GOPAKUMAR
 Joint Secretary
 Finance Department
 Govt Secretariat
 Thiruvananthapuram

"ഭരണ ഭാഷ- മാതൃഭാഷ"



കേരള സർക്കാർ



നമ്പർ. 1763175/ആർ.എം.സി 2/2021/ധന

ധനകാര്യ (ആർ.എം.സി) വകുപ്പ്
തിരുവനന്തപുരം
തീയതി : 23/06/2021

അനുദ്യോഗിക കഠിപ്പ്

വിഷയം :- സേവന നിരക്കിൽ വർദ്ധനവ് വരുത്തിയ സർക്കാർ ഉത്തരവിൻമേൽ വ്യക്തത വരുത്തുന്നത് സംബന്ധിച്ച്.

- സൂചന:- 1) 23.09.2014 -ലെ സ.ഉ (അച്ചടി) നം. 409/2014/ധന
 2) അക്കൗണ്ടന്റ് ജനറലിന്റെ 30.04.2021 തീയതിയിലെ Report (Civil)Dp/AR 2021/2021-22 നമ്പർ കത്ത്.

സൂചനകളിലേക്ക് പൊതുവിദ്യാഭ്യാസ/ ഉന്നത വിദ്യാഭ്യാസ വകുപ്പിന്റെ ശ്രദ്ധ ക്ഷണിക്കുന്നു.

23/09/2014-ലെ സ.ഉ (പി) 409/2014/ധന നമ്പർ പ്രകാരം എല്ലാ സർക്കാർ വകുപ്പുകളിലെയും ഫീസുകളിലും നിരക്കുകളിലും വർദ്ധനവ് വരുത്തി ഉത്തരവായിരുന്നു. എന്നാൽ വിദ്യാർത്ഥികളെ ബാധിക്കുന്ന ഫീസുകൾ/നിരക്കുകൾ എന്നിവ വർദ്ധനവിൽ നിന്നും പ്രസ്തുത ഉത്തരവിൽ ഒഴിവാക്കിയിരുന്നു. എഞ്ചിനീയറിംഗ് കോളേജുകൾ/പോളിടെക്നിക്കുകൾ എന്നിവിടങ്ങളിൽ സർക്കാർ/സ്വകാര്യ ഏജൻസികൾക്ക് വേണ്ടി നടത്തുന്ന പരിശോധനകൾക്ക് (Testing of Materials) ഈടാക്കി വരുന്ന ഫീസ്/സേവന നിരക്കുകൾ എന്നിവ മേൽ ഉത്തരവ് പ്രകാരമുള്ള വർദ്ധനവിൽ നിന്നും ഒഴിവാക്കിയിട്ടില്ല. ഇത്തരം ഇനങ്ങൾക്ക് നിരക്ക് വർദ്ധനവ് ബാധകമാണെന്നിരിക്കെ മേൽ സർക്കാർ ഉത്തരവ് തെറ്റായി വ്യാഖ്യാനിച്ചു നിരക്ക് വർദ്ധന ഒഴിവാക്കി നൽകുന്നതായി ശ്രദ്ധയിൽപ്പെട്ടിട്ടുണ്ട്. ഈ സാഹചര്യത്തിൽ വിദ്യാർത്ഥികളെ ബാധിക്കുന്ന ഫീസുകൾ/നിരക്കുകൾ ഒഴികെയുള്ള എല്ലാത്തരം ഫീസുകൾക്കും സേവന നിരക്കുകൾക്കും സൂചനയിലെ സർക്കാർ ഉത്തരവ് പ്രകാരമുള്ള വർദ്ധനവ് ബാധകമാണെന്ന് പൊതുവിദ്യാഭ്യാസ/ഉന്നതവിദ്യാഭ്യാസ വകുപ്പുകളെ അറിയിക്കാവുന്നതാണ്.

ഗോകുൽ ജി ആർ ഐ എ എസ്
ഓഫീസർ ഓൺ സ്പെഷ്യൽ ഡ്യൂട്ടി

ഉന്നത വിദ്യാഭ്യാസ വകുപ്പ്/ പൊതുവിദ്യാഭ്യാസ വകുപ്പ്

ഉത്തരവിൻ പ്രകാരം

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**Para wise Reply on the Report of Controller and Audit General of India -
Compliance Audit Report for the year ended March 2021 for the effective
implementation of Food Safety and Standard Act 2006**

Sl No	Para No.	Audit Findings	Reply
	2.1.4	Issue of licenses and registration	
	2.1.4.1	Deficiencies in issuing of licenses and registrations	
1		Delay in issue of Licenses/ Registrations	<p>License and Registration applications are processed within the prescribed time limit and if found satisfactory certificates are issued and if there is any correction or clarification needed applications will be reverted to the FBO for necessary changes. Those applications will be screened again if submitted after editing and certificates will be issued if proper changes are made in the application else will be reverted again to Food Business Operator.</p> <p>Application for license/registration is mainly received through Akshaya centers and Common Service Centre. These facilitation centers are manned by untrained people. License /registration are issued by verification of various mandatory documents. The usual</p>

			<p>procedure seen is receiving the application without proper mandatory documents. This can be ascertained only after verification of application. In order to resolve the delay, training has been given to persons in the Akshaya centers. After entering the training delay of this time has been reduced.</p> <p>Hence the audit para may be dropped.</p>
2	2.1.4.2	Database of food establishments	<p>Jurisdiction of one Food Safety Officer is the entire area of an assembly constituency in which 10 more Panchayaths and one or two municipalities. Thiruvananthapuram, Kollam, Ernakulam, Thrissur, Kozhikode are Corporation areas. So the number of food establishments are more numbers in the jurisdiction of a Food Safety Officer. Even though the number of establishments are more, each Food Safety Officers continuously inspecting these establishments and collecting database of food establishments and keeping the data in their offices. Department giving more importance for the collection of data base of the institutions, so as to implement Food Safety and Standards Act 2006 more effectively.</p>

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			Hence the audit para may be dropped
			Food Safety Officers in their routine inspections, the data base of the institutions are being collected. As per Food Safety and Standards Act 2006 Food Safety License and Registration is a mandatory documents for running a food establishments. Moreover, necessary steps are taken for conducting license/registration melas for issuing license and registration to Food Business Operators. All these programmes are continuing by which all the database can be collected and thus included all FBOs in FoSCos software data base.
			Department comparing with data base of Local Self Government Institutions and Good and Service Tax Data base. Thus all the establishments are being included in the FosCoS software data base.
3	2.1.4.3	Exclusion of FOBs From FosCos Software Database	Food Safety Department is giving license or registration to slaughter house if they follow the mandatory hygiene conditions. The data base of such slaughter house are available and enforcement activities are taking against the illegal slaughter house which pose threat to public health.

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Directions have been given to FSOs to identify places of worship in their jurisdiction and to take necessary actions to implement BHOG. As part of this, recently Attukal Bhagavathy temple has been selected for Hygiene auditing. The pre audit and final audit have been completed and waiting for certification. Active discussions are going on to enlist more establishments in this scheme. Directions has been given to FSOs to identify places of worship in their jurisdiction and to take necessary actions to implement BHOG.

Hence the audit para may be dropped.

Catering

As per Food Safety and Standards (Licensing and Registration of Food Business) Regulation 2011 Catering establishments shall function with a valid FSSAI License instead of Registration Certificate. By the inspections of the Food Safety Department, notice will be given to such FBOs to convert registration certificate to license. By IEC activities license registration camps, strengthening the enforcement activities now no such establishments are functioning with registration certificate

instead of license.

Regular inspections are conducting in various catering units and such premises which took FSSAI registration are directed to take license. Now no such defects are noticed and they all taking license.

Sale of Organic products

2.1.4.4 Classification issues of FBOs

Inspections are being conducted at organic shops and assure that the FBE are following the regulations properly. Strict monitoring is done and regular sampling is being conducted for the strict compliance of regulation.

3 star and above hotels functioning with license fee Rs. 2000 only

Inspections are conducted at hotels to ascertain that they have remitted requisite fee for license. In case of deficiencies instructions have been given to remit the balance fee through modification of application and now the defects were rectified. All the discrepancies noted by the audit were rectified. Further to this strict monitoring is done while processing the license and FSOs will ensure this during routine inspections.

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			<p>Inspections were carried out and identified food business establishments were directed to modify their license and now rectified the findings at the Audit.</p> <p>Hence the audit para may be dropped</p>
5	2.1.4.5	License granted on the incomplete documents	<p>As per guidelines issued by FSSAI via file No.15(31)2020/FoSCoS/RCD/FSSAI dated 19 March 2021, necessary documents to be uploaded for getting license vary with the kind of business. Hence all documents mentioned in Regulations are not mandatory for all kind of business. Necessary directions were issued to all DOS, FSO to address the audit findings.</p> <p>In earlier cases where any incomplete documents can be rectified at the time of renewal of the firm.</p> <p>Hence the audit para may be dropped.</p>
			<p>As per Regulation, Food Safety and Standards Licensing and Registration of Food business) Regulation 2011, every manufactures and importers shall file annual return through online now. The issue of fine imposed on the manufacturers and related matters are</p>

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6	2.1.4.6	Non-submission of Returns by Manufacturer/Importer	<p>under the consideration of FSSAI including the process of waiving the fine due to non filing of annual return. The reply from the FSSAI is awaited. Now the manufactures are filing annual return without delay in State.</p> <p>Letters are issued to the concerned FBOs and also informed through phone to file annual return on time. Now the manufacturers are filing annual return without delay. Without Annual returns filed through online, they cannot renew the FSSAI License.</p> <p>Hence the audit para may be dropped.</p>
7	2.1.4.7	Inspections and Samples Collection Shortfall in Inspection of FBOs.	
			<p>Short fall in inspections</p> <p>In view of the audit findings, a thorough review of the number of inspections and the Risk based inspections allocated by the Food authority is conducted during monthly performance review by the Commissioner of Food Safety, Joint Commissioner, Deputy Commissioner and Assistant Commissioner of Food Safety.</p>

		<p>Considerable increase in the number of inspections in licensed and registered FBEs achieved. License inspections were assigned to Food Safety Officers on routine basis. Consolidated reports collected from all circles on monthly basis.</p> <p>Regular inspections are conducting in the circle as per target. Considerable increase in the number of inspections in licensed and registered FBEs achieved. Consolidated reports collected from all circles on monthly basis.</p> <p>FBOs holding license</p> <p>Every establishment, have license, will be inspected in every year and if any violation found will take action against the offenders.</p> <p>FBOs holding Registration</p> <p>As part of ensuring the quality of food article and general hygiene, every food establishments are being inspected and instructions are given to Designated Officers to prescribe the periodicity of inspections of license establishments. Hence the audit para may be dropped.</p>
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8	2.1.4.8	Non-follow up of improvement notices issued.	<p>Mandatory followup along with surprise checking are being done for the FBOs who have been issued improvement notices and reviewed.</p> <p>Most of the pending cases are disposed.</p> <p>For the remaining establishments instructions were given to the concerned FSOs to re-inspect the FBEs and report to Designated Officer. Based on that follow up measures are taken. After issuing improvement notice, re-inspection is being carried out and reports submitted within the stipulated time.</p> <p>Hence the audit para may be dropped.</p>
9	2.1.4.9	Non-lifting of enforcement samples in case where surveillance samples were 'non- conforming'.	<p>To ensure safe and wholesome food to general public, department is collecting enforcement samples after the receipt of unsafe samples collected as surveillance.</p> <p>If any serious issues were noted, enforcement activities are urgently done to resolve the problem. The Department is collecting enforcement samples after the receipt of unsafe samples in relevant cases. If any serious issues were noted, enforcement activities are urgently done to resolve the problem. Statutory samples are being taken in case of non-conforming surveillance samples. If the</p>

			<p>food product is not available in sufficient quantity or same batch, the same is intimated to the jurisdiction where the manufacturing unit is located.</p> <p>Hence the audit para may be dropped.</p>
10	2.1.4.10	Non-lifting of enforcement samples from Anganwadis.	<p>Statutory samples were collected from the manufacturing unit of Amrutham Mix. Anganwadis have only stored requisite quality of samples and it is not feasible to lift.</p> <p>Surveillance samples were lifted from Anganwadis and Nutrimix units. Directions were given to Food Safety Officers to lift statutory samples from Nutrimix units. If non compliances are noted, notices were issued to correct the defects noted and also Food Business Operators are compounded. Anganawadis are distributed with the food items by Supplyco outlets and amrutham nutrimix units, regular statutory samples are lifting from both supplyco outlets and nutrimix manufacturing units.</p> <p>Hence the audit para may be dropped.</p>
			<p>Letters are issued directing the concerned FBOs to recall the unsafe samples from the market and report the same to</p>

11	2.1.4.11	Non-monitoring of recall procedure	<p>Designated Officer. Copy of 46(4) notice is forwarded to the concerned FSOs and on receiving the same FSOs ensure that the said product is not available in the market during routine inspections. Also it is ensured that the entire batch is recalled before sending the second sample to the referral lab.</p> <p>Direction is issued through letter from Designated Officer if sample test result become unsafe/substandard. Further Food Safety Officer also inspect during their routine inspection.</p> <p>Hence the audit para may be dropped.</p>
	2.1.5	Food Analysis	
			<p>National Accreditation Board for Laboratories (NABL) scope enhancement was done during the NABL audit conducted on March 2020 in Chief Government Analyst's Lab, Thiruvananthapuram.</p> <p>The NABL scope parameters were enhanced to 1305 parameters during the audit. Further scope enhancement will be done during the re-accreditation audit which is expected in 2024 March in Chief Government Analyst's Lab,</p>

12	2.1.5.1	Non-assurance of safe food due to insufficient testing	<p>Thiruvananthapuram.</p> <p>In Regional Analytical Lab, Ernakulam NABL scope enhancement including pesticide residues, micotoxins, metals etc. was done during the NABL audit conduct in December 2021. The NABL scope parameters were enhanced from 136 to 496 during that audit. Further scope enhancement will be done during the re-accreditation audit which is expected in August – September 2023 in</p> <p>In Regional Analytical Lab, Ernakulam</p> <p>In Regional Analytical Lab, Kozhikode NABL scope widened more parameters like pesticide residues, micotoxins, antibiotics and heavy metals included during FSSAI NABL integrated audit conducted on may 2022. Total scope parameters increased from 89 to 613. Further scope enhancement activities started and scope enhancement will be incorporated during next reaccreditation such as vitamins, anti oxidants, artificial sweeteners, illegal dyes, food flavoring substance etc.</p> <p>Hence the audit para may be dropped</p>
			<p>Scope enhancement will be done after setting microbiology lab in Chief</p>

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			<p>Government Analyst's Lab, Thiruvananthapuram.</p> <p>In Regional Analytical Lab, Ernakulam even though some pesticide are under accredited NABL Scope, high end equipment like LCMSMS is required to cover all the pesticides, antioxidants, vitamins etc. To enhance the scope covering all these parameters laboratory has procured LCMSMS and the renovation work of the instrumentation division is in progress to install the equipment. Once the installation and validation works are over the scope enhancement will be done to cover all the parameters.</p> <p>In Regional Analytical Lab, Kozhikode, Now 524 parameters are additionally included in FSSAI NABL integrated scope. Process are started to cover all the parameters mentioned in the Food Safety and Standard Regulation. Work for setting up microbiology laboratory was already issued under Sector scheme.</p> <p>Hence the audit para may be dropped</p>
13	2.1.5.2	Testing of samples by Laboratories without NABL accreditation for some of the parameters prescribed by FSSA	<p>In Analytical Laboratory at Pamba and Sabarimala only basic infrastructure is</p>

14	2.1.5.3	Improper testing of Surveillance samples / raw materials of offerings at Sabarimala	available and hence general intrinsic qualities and identification of common adulterants are being monitored in the samples of raw materials at Sabarimala. Hence the audit para may be dropped
15	2.1.5.4	Sabarimala 'Aravana Prasadam' - Non-Compliance of FSS Standards (Labelling and Display) (Packaging and Labelling) Regulations, 2011.	At present the label is not inline with the requirement of Food Safety and Standards (Labelling and Display) Regulation 2020. Hence instructions are given to Travancore Dewaswom Board to update the label. Hence the audit para may be dropped.
	2.1.6	Human Resources	
16	2.1.6.1	Deficiencies in implementation of the Act due to shortage of FSOs.	Shortage of required sanctioned posts in enforcement and administration wing is a major impediment in the functioning of department. The jurisdiction of Food Safety Officer is the area of a Legislative Assembly constituency and is therefore wide. With compared to the density of Food Business Establishment the number of Food Safety Officer is not adequate. The sanctioned post in the vacancies of Food Safety Officers are filled. Now in the sanctioned post there is no vacancy. The proposal for increasing the manpower is under consideration of Government. Hence the audit para may be dropped

	2.1.7	Punitive mechanism	
17	2.1.7.1	Delay in sending recommendations to the Commissioner for sanctioning prosecution.	<p>Steps were taken and action will continue with the due diligence that needs to be elaborated with respect to the audit finding. Continuous monitoring and review of the cases is also done in monthly performance evaluation, Now prosecution sanction request are given within the time limit by Designated Officer.</p> <p>Hence the audit para may be dropped</p>
			<p>Adjudication sanction are given on time by Designated Officer and the same are being filed by the concerned Food Safety Officers within the prescribed time limit in the order. As follow up request letters were sent to the concerned Adjudicating Officers through District Collectors to take up the pending cases without delay.</p> <p>Actions like follow up with the courts, meeting with Adjudicating Officers and prompt attendance have reduced the pendency level.</p> <p>The Office of the Assistant Commissioner of Food Safety is following up the cases to cause fast</p>

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18	2.1.7.2	Delay in Adjudication	<p>disposal of the remaining pendency as well. As follow up request letters were sent to the concerned Adjudicating Officers through District Collectors to take up the pending cases without delay.</p> <p>Adjudication cases are filed on time by Food Safety Officers and represented regularly. Adjudication sanction are given by Designated Officer on time and the same are being filed by the concerned Food Safety Officers within the prescribed time limit in the order. As follow up request letters were sent to the concerned Adjudicating Officers through District collectors to take up the pending cases without delay.</p>
19	2.1.7.3	Non recovery of penalty	<p>Hence audit para may be dropped Pending penalties have been recovered and remitted by the Food Business Operators at the treasury. Follow up actions are going on. The team was successful in bringing down the compounded penalties. Revenue recovery process was initiated in the remaining cases.</p> <p>Hence audit para may be dropped</p>
			In pending compounding cases the

20	2.1.7.4	Pendency in compounding cases.	<p>concerned FBOs were contacted and directions were given to remit the fine and produce the challan receipt. On the basis of this cases were disposed. Necessary steps are being taken to dispose the remaining cases also.</p> <p>Hence audit para may be dropped.</p>
	2.1.8	Follow up action/Monitoring	
21	2.1.8.1	Lack of monitoring mechanism	<p>Enforcement activities are strictly going on to monitor non licensed/registered Food Business Establishment. Using the limited man power in the enforcement and ministerial section, strict enforcement activities are going on.</p> <p>Follow up with Food Safety Officers to cause them to monitor and verify that the Food Business Operators adhere to the relevant requirements of law.</p> <p>Since there is no alert mechanism in the software regarding expired license or registration the same is monitored manually during routine inspections. Special drives were conducted to identify FBEs functioning without license or registration. License/Registration melas were conducted in all circles. On receiving an application if found that the</p>

			<p>Food Business Operators has applied for new license or registration without renewing the application will be reverted/rejected to Food Business Operators with remarks to renew the old license/registration with submission of late fees.</p>
			<p>Hence audit para may be dropped</p>
			<p>Food poisoning complaints are inspected timely and action is taken accordingly.</p>
			<p>For any food poisoning case reported immediate action will be taken as per Food Safety and Standards Act 2006. Appropriate actions is taking in case of food poisoning.</p>
22	2.1.8.2	Notification of food poisoning	<p>In food poisoning cases, Food Safety Officers in the local area consulting with registered medical practitioners who has been reported any food poisoning case. Further action in this regard is being taken on the basis of the report of the Medical Officer.</p>
			<p>Hence audit para may be dropped</p>
			<p>On receiving allotments, IEC activities are conducted in circles and on District</p>

23	2.1.8.3	Shortfall in IEC allotment and expenditure	<p>level basis. The Amounts are allotted from Commissioner of Food Safety. Reports are submitted on time from districts.</p> <p>Hence audit para may be dropped</p>
			<p>Kerala's consistent rise to the top in the State Food Safety Index is a testament to the strategic planning and dedication of the Food Safety Department. Moving from the 6th position in 2021-22 to securing the 1st rank for two consecutive years highlights a significant improvement in enforcement, infrastructure, and overall governance. This sustained achievement is not only the result of strict compliance with food safety regulations but also a reflection of effective coordination between stakeholders, advanced training programs, and innovative awareness campaigns. However, Kerala's consistent first-place ranking in the SFSI shows that the state has made significant strides in meeting and even surpassing the critical parameters set by the Index. This demonstrates the State's capability to align with national benchmarks, reflecting the overall progress in food</p>

safety infrastructure and governance. The compliance audit report claiming deficiencies in the number of inspections, sample collections, analyses, and related activities carried out by the Food Safety Department. However, the reality is that the department is consistently performing these activities beyond the set target limits. In fact, the department has been exceeding its targets in inspections, sample collections, and food analysis, which have been evaluated and recognized by the FSSAI. The recognition from FSSAI underscores the hard work and dedication of the department in safeguarding public health and ensuring compliance with food safety regulations.

The Compliance Audit report pointed out deficiencies in the monitoring by the Food Safety Department, particularly concerning the lack of a mechanism to follow up on Food Business Operators (FBOs) with expired licenses and non-adherence to inspection norms for registered FBOs. This issue can primarily be attributed to the absence of an alert system in the FoSCoS portal that would

notify Food Safety Officers (FSOs) about expired licenses. Additionally, the shortage of manpower exacerbates the problem, as having only one Food Safety officer per legislative assembly limits the capacity to effectively carry out all enforcement activities. This resource constraint affects the department's ability to maintain consistent oversight and compliance checks. Addressing these challenges through improved systems and adequate staffing is crucial for enhancing the monitoring and enforcement capabilities of the Food Safety Department.

Currently, there is no delay in the issuance of licenses and registrations by the Food Safety Department. The stipulated time frame for issuing licenses is 60 days, and for registrations, it is 7 days. Within these time limits, the concerned officials are efficiently processing and issuing both licenses and registrations without any backlog or delay. The Food Safety department has streamlined the process, ensuring that licenses and registrations are issued promptly and in compliance with the

established timelines. This improvement reflects the Food Safety department's commitment to maintaining efficient operations and providing timely services to Food Business Operators (FBOs). The Food Safety Department is now highly conscious of public health and is actively focusing on collecting risk-based samples and other types of samples.

The report highlights a significant challenge faced by the Food Safety Department: the comparison of data on Food Business Operators (FBOs) maintained by the subsidy department with similar data from other government agencies revealed that a large number of FBOs are not being monitored by the department. This issue is largely attributed to a shortage of manpower, as relying solely on FBOs to gather data on business operators within a legislative assembly is insufficient. Even though the number of Food Business establishments are more, each Food Safety Officers continuously inspecting these establishments and keeping the data in their offices.

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24	2.1.9	Conclusion
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In cases where samples are found to be non-conforming, the Food Safety Department has initiated prosecution procedures against the defaulters to ensure accountability and enforcement of food safety regulations. Additionally, the department is actively implementing recall procedures to remove unsafe products from the market, thereby protecting public health. These measures reflect a proactive and rigorous approach to safeguarding consumers from potential food safety hazards and demonstrate the department's dedication to maintaining high standards in food quality and safety.

The laboratories started its scope enhancement in a phased manner. Scope of parameters in Thiruvananthapuram lab enhanced from 1305 to 1469, scope of parameters in Ernakulam lab enhanced from 496 to 819 and in Kozhikode lab from 613 to 1140 in 2023-24 FY.

Scope and facility of the laboratory covers Pesticides, Heavy Metals, Mycotoxins, Fortificants, Antibiotics, Nutritional Evaluation, General characteristics Parameters.

On February 25, 2024, Hon. Prime Minister Shri. Narendra Modi dedicated two, national-level microbiology laboratories to the state. Set up for the state food safety department, the laboratories had been made operational at Regional Analytical Laboratory, Ernakulam and Regional Analytical Laboratory, Kozhikode. The Prime Minister inaugurated the laboratories at a virtual function on 25th February 2024.

Under a Central Sector Scheme launched by the Food Safety Standards Authority of India to strengthen food testing labs, Rs 4.5 crore was allocated for upgrading each of the food testing labs in the state. For this, FSSAI invited tenders and selected four vendors across the country. Work order was awarded to the L1 bidder M/s Asian Scientific Industries, New Delhi with the approval of FSSAI to carry out the Setting up of Microbiology Section and installation of Equipment on Turnkey Basis in Regional Analytical Laboratory, Ernakulam. This 4.5 crore rupees sanctioned for the labs will cover the expenses for infrastructure, equipment and on-contract

human resources for three years.

New microbiology labs are functioning in full swing at Ernakulum and Kozhikode. For obtaining NABL for Microbiology discipline in a time bound manner, a Memorandum of Agreement has been signed with CIFT, Kochi and the work is in progress and expected to submit NABL application by the beginning of 2025.

Currently, the Food Safety Department has a temporary setup to test the samples of prasadams, other samples related to sabarimala provided during the Sabarimala season. However, the Government of Kerala has decided to establish a dedicated laboratory in Pathanamthitta specifically for this purpose. The lab is expected to be completed and inaugurated by November, after which the process to enable its accreditation will begin.

Once fully implemented, this permanent lab will address the issues related to testing prasadams, ensuring better food safety and quality control for pilgrims.

The CAG report indicates that providing registration instead of licenses to Food Business Operators (FBOs) has resulted in revenue losses for the state. In response, the Food Safety Department has made significant efforts to address this issue by conducting a special initiative called

Operation FOSCOS. During this special drive, it was discovered that many FBOs were operating under registration when they should have been licensed. As a result, the department has taken enforcement action to those Food Business Operators, made transition of these registrations into licenses, thereby ensuring compliance and enhancing revenue collection for the state.

The Compliance Audit report previously highlighted delays in the recovery of penalties and compounding charges from erring Food Business Operators (FBOs). However, this issue has now been addressed. The majority of the outstanding amounts have been successfully recovered from the FBOs, and the remaining pending penalties have been forwarded for revenue

recovery.

The report previously identified a shortfall in the utilization of funds allocated for IEC (Information, Education, and Communication) activities aimed at raising awareness about the provisions of the Food Safety Act, rules, and regulations. However, this issue has since been resolved. The Food Safety Department has significantly increased its IEC activities across the state, using the previously unutilized funds to create awareness through posters, print media, and social media campaigns. By actively engaging with the public and stakeholders through various platforms, the department has now addressed the earlier shortfall, ensuring effective dissemination of critical information related to food safety regulations and compliance. This enhanced outreach contributes to greater

awareness and better adherence to food safety norms across the state. The Food Safety Department will ensure that all license and registration application will be processed on time, so that no FBOs commence business without knowledge of the Department.

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2.1.10 Recommendations

b. The Food Safety Department was taken steps with FSSAI for enabling and alert system for the notification against the expiry of license/registration that the department have an oversight over the FBOs.

c. The Food Safety department taken action to ensure that all the FBOs are holding valid license/registration as the case may be.

d. The Food Safety department cross checked with available data of other department to identify FBOs which do not have valid license/registration.

e. Proposal of adequate manpower to ensure effective discharge of statutory function of the department is under process.

f. The Food Safety Department strengthened enforcement activities by collecting more number of samples for analysis and early removal, seizure, recall of non confirming food article from the market.

			<p>g. The Food Safety Department taken steps to improve infrastructure facility in laboratories as prescribed by FSSAI and steps taken to pertain NABL Accreditation for microbiological parameters.</p> <p>h. IEC activities are also strengthened to make the stake holders aware of hygiene and adulteration, shelf life period of food products etc.</p>
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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
Vattiyookavu	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

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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