

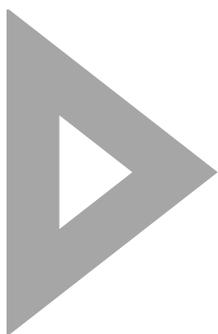
April, 2020



Pandemic Legal intelligence
Sectorial Insights



in Covid-19 times



Legal intelligence Series - COVID | XX

AHMEDABAD | BENGALURU | NEW DELHI | KOLKATA | MUMBAI

FOOD SUPPLIES

1. Whether the food supplies will be available during the period of complete lockdown?

Answer: Yes, Ministry of Home Affairs vide order no 40-3/2020-DM-I(A) dated 26.03.2020 has issued directions in reference to the complete lockdown, that supplies of essential commodities such as food supplies, medicines etc. will continue to take place with proper precautions.

Moreover the Central Government has also come up with 'Pradhan Mantri Gareeb Kalyan Yojana' under which individuals benefited of subsidized public distribution will be receiving grains and other food supplies



FOOD PROCESSING INDUSTRIES

2. Whether the Ministry of Food Processing Industries has issued any Circular/Notification/Order to address the pandemic of COVID-19?

Answer: Yes, the Ministry of Food Processing Industries vide Press Release ID: 1608340 dated 26.03.2020 has directed to a set-up of a Grievance Cell to ensure hassle free operations and uninterrupted supply of essential for citizens.

A Business Immunity Platform is set-up to help and support the businesses and investors.



ESSENTIAL COMMODITIES ACT,1955

3. Under which law or rule, food is considered as essential commodity?

Answer: As per Section 2A of Essential Commodities Act, 1955 provides that Essential Commodity includes those enumerated under Schedule I of the Act. The Schedule to the Act include food as below;

iii) foodstuffs, including edible oilseeds and oils;



FOOD RETAIL SHOPS- HYGIENE ASPECT

5. Whether the employees, such as cashiers, cleaning personnel, in food retail shops are mandated to use on face masks, hand gloves and hand sanitizers?

Answer: Per se, explicitly there is no guideline however these are advisable to prevent the employees who come in contact with customers and also to maintain hygiene during such testing time of infections.

Further, hand sanitizers should be also kept to contain such outspread.



E- COMMERCE

6. Whether there are any notification/circulars/orders to allow the ordering of food products through e-commerce operators?

Answer: Yes, as per the Ministry of Home Affairs vide order no 40-3/2020-D dated 24.03.2020, **the online essential commodities providers will be available during the lockdown period.**

However situations might arise in the current scenario that due to limited resources the delivery schedule might fluctuate.



DISTRIBUTION OF ESSENTIAL COMMODITIES

7. Whether Government has released any procedure/guidelines for distribution of essential commodities?

Answer: Yes, the Ministry of Home Affairs vide order No. 40-3/2020-DM-I(A) dated 26.03.2020 issued a Standing Operating Procedure (“SOP”) for maintaining supply of Essential Goods.

Under the SOP government allows operations of suppliers of essential goods including restaurants for home delivery, warehouses and godowns for storage of essential goods, Transporters/drivers, etc. for transfer of essential goods from manufacturers to retailers.



IMPORT CLEARANCE & TESTING LABS

8. Whether Import clearance and Food Testing Labs are classified as essential services by FSSAI during the COVID-19?

Answer: Yes, Food Safety Standards and Authority of India vide Press Release dated 31.03.2020 has classified the import clearance of food items and functioning of notified food testing laboratories (including National Food Labs) under Essential Services during the COVID-19.

It also directed all personnel who are assigned charged to be required to be available in office on all working days in order to facilitate the trade as well as ensure smoother operation of related services across the country

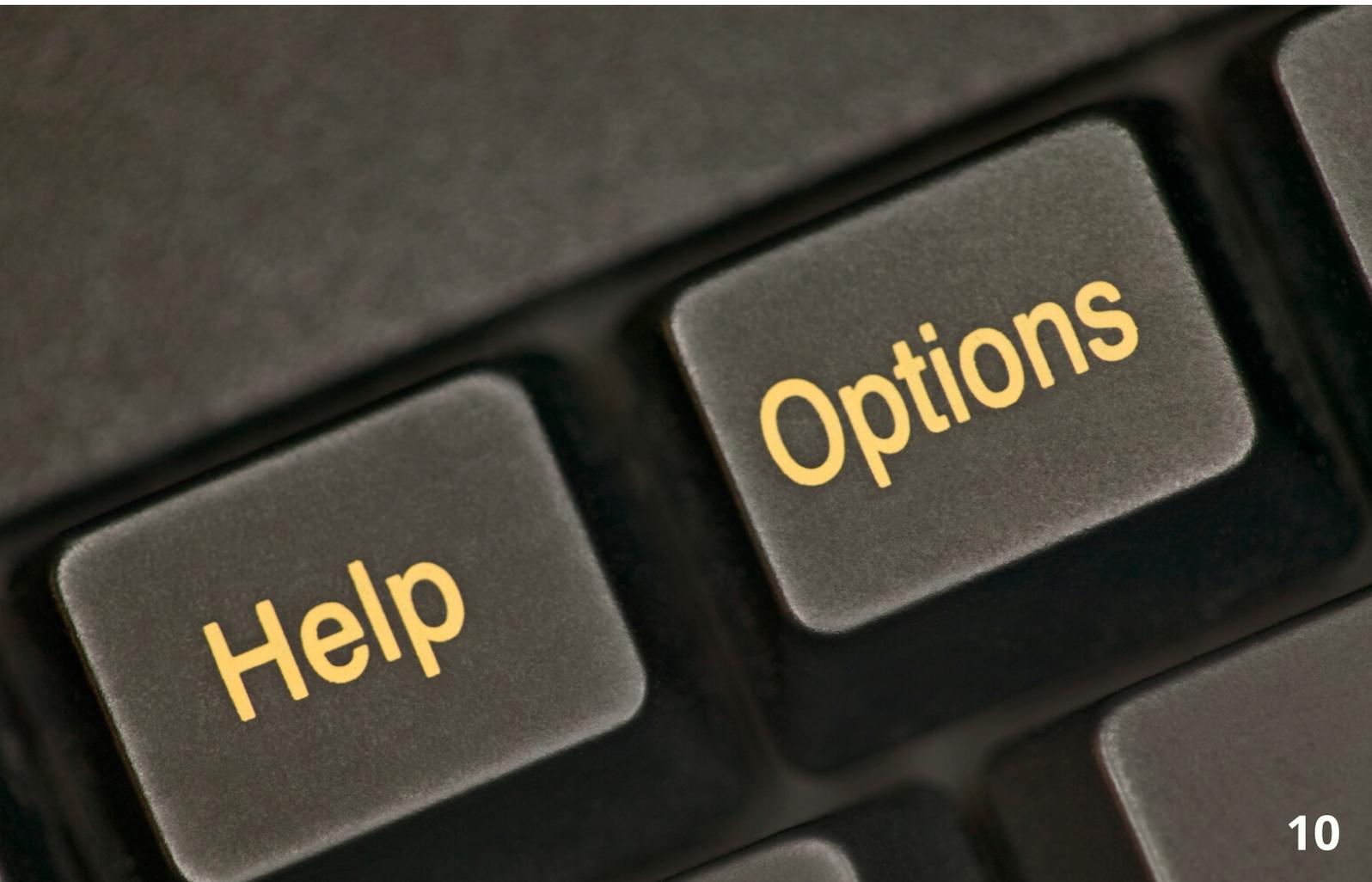


FSSAI COMPLIANCE

10. Whether there is any specific procedural compliance requirements issued by the FSSAI for Food Business Operators ?

Answer: Yes, Food Safety Standards and Authority of India vide order no 15(6)2020/FLRS/RCD/FSSAI dated 31.03.2020 issued mandate procedure for application for FSSAI License/ Registration through online mode on FLRS and possess the 17 digit valid application number.

All the details shall be communicated to the commissioner of FSSAI by email by enclosing a FORM M with all the prescribe details which should be duly signed by the applicant.



FOOD BUSINESS OPERATORS

9. Whether there is any notification/circular/order for First Business Operators to cover them under the ambit of FSS Act, 2006 during COVID-19?

Answer: Yes, Food Safety Standards and Authority of India vide order no 15(6)2020/FLRS/RCD/FSSAI dated 31.03.2020 issued the directions to include the operations of Food Business Operators ("FBO") temporarily under Food Safety Standards Act, 2006.

The directions by Food Safety Standards and Authority of India have also specified for the **exclusions of Manufacturer's from the relief provided in the aforesaid order for FBO's**



TIME LIMIT By FSSAI

11. Whether there is any notification/circular/order specifying the time limit for FBOs to cease the business post COVID-19 ?

Answer: Yes, Food Safety Standards and Authority of India vide order no 15(6)2020/FLRS/RCD/FSSAI dated 31.03.2020 issued directions specifying the time period for the FBO's.

The FBOs has to cease there operations within 30 days from the date lockdown ends.

If the FBOs wants to continue there business then proper valid FSSAI license has to be applied by them.



FSSAI LICENSE REGISTRATION

12. Whether there is any notification/circular/order specifying the procedure for the processing of FSSAI License/ Registration during and post lockdown?

Answer: Yes, Food Safety Standards and Authority of India vide order no 15(6)2020/FLRS/RCD/FSSAI dated 31.03.2020 issued specific directions and detail procedure for the issuance of the License/ Registration during the time of lockdown and after pre-lockdown specifying the time period for the FBO's.

It also consist of detail directions for the inspection and issuance of License/ Registration for the essential food and commodities



ISSUES AWAITING ADDRESSAL DURING COVID -19

- **Regarding Food & Beverages products (F&B), no guidelines or directions exists. Survival of start-ups in present pandemic era, dealing into F&B products has become a big concern due to clouds of confusions of lack of guidelines or directions for F&B products.**
- **Guidelines issued by the Ministry of Affairs is silent on the scope of manufactures, suppliers and other food sellers during lockdown.**
- **There is no clarity on the food ingredients companies which manufacture and supply the basic ingredients for food products but they being incidental and ancilliary should be treated at par food products.**



FUTURE CHALLENGES

- **As of now, disruptions are minimal as food supply has been adequate and markets have been stable so far. However, we are already seeing challenges in terms of logistics bottlenecks (not being able to move food from point A to point B), and likely, there is less food of high-value commodities (i.e. fruits and vegetables) being produced.**
- **Small-scale farmers and fishers also might face challenges accessing markets to sell their products or buy essential inputs, or struggle due to higher food prices and limited purchasing power.**
- **Shortages of labour could disrupt production and processing of food.**
- **Food demand amongst major population in India is more linked to income, and hence loss of income-earning opportunities could impact on its demand and consumption.**



ABOUT US

AMLEGALS is a multi-specialised law firm. We would love to hear your views, queries, feedback and comments on covid19@amlegals.com or rohit.lalwani@amlegals.com.

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