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From Periodic to Perpetual: Legal Implications of India’s New Food Safety Licensing Regime

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PUBLISHED 31 March 2026

Reforming Food Business Regulation: An Analysis of FSSAI's 2026 Amendment Framework

Introduction

The Food Safety and Standards Authority of India (FSSAI) has introduced significant amendments to the Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations through its 2026 Amendment, effective from April 1, 2026. These reforms represent a paradigmatic shift in India's food safety regulatory framework, introducing perpetual validity of licenses, revised turnover thresholds, and simplified compliance mechanisms designed to reduce administrative burden while maintaining stringent safety standards.

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Fundamental Regulatory Reforms

The Amendment Regulations introduce four cardinal reforms that fundamentally alter the compliance framework for Food Business Operators (FBOs). The most significant innovation is the concept of perpetual validity, whereby FSSAI licenses and registrations remain valid indefinitely unless suspended, cancelled, or voluntarily surrendered by the operator. This eliminates the traditional periodic renewal requirements that previously imposed substantial administrative burdens on businesses.

Concurrently, the regulations establish revised turnover thresholds that recategorize business obligations. The new framework stipulates that registration applies to FBOs with annual turnover up to ?1.5 crore, State License requirements apply to businesses with turnover exceeding ?1.5 crore but not exceeding ?50 crore, and Central License requirements apply to enterprises with turnover above ?50 crore.

Enhanced Provisions for Small-Scale Operators

The regulations introduce progressive measures specifically benefiting small-scale food businesses. Street food vendors and hawkers registered under the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, now receive deemed registration status, obviating the need for separate FSSAI applications. This provision significantly reduces compliance costs and administrative complexity for this vulnerable sector while maintaining adherence to Schedule 4 hygiene standards.

Additionally, the expanded registration threshold to ?1.5 crore brings numerous small and medium enterprises under the less stringent registration category rather than the more complex licensing regime. The introduction of instant registration provisions for petty FBOs further simplifies market entry for micro-enterprises.

Perpetual Validity Framework and Its Implications

The perpetual validity mechanism represents a fundamental departure from conventional regulatory practice. Under this system, FBOs must remit annual license or registration fees indefinitely to avoid suspension, effectively creating a pay-as-you-operate model. This approach eliminates the uncertainty and administrative burden associated with periodic renewals while ensuring continuous revenue generation for regulatory authorities.

The legal implications of perpetual validity extend beyond mere administrative convenience. It provides businesses with enhanced operational certainty, enables long-term planning, and reduces compliance costs substantially. However, it simultaneously imposes an ongoing financial obligation that continues throughout the business's operational lifecycle.

Transitional Provisions and Fee Structures

The regulations address transitional scenarios with specific clarity regarding fee adjustments and category migrations. Notably, FBOs holding existing State Licenses who become eligible for registration due to revised thresholds cannot claim adjustments or refunds for previously paid fees. They must apply for the appropriate new category without fee credits, ensuring regulatory revenue protection while enabling category transitions.

Applications currently under process as of April 1, 2026 whether in document scrutiny, query reversion, or inspection stages will continue under pre-amendment regulations. However, any licenses or registrations issued on or after the effective date will incorporate perpetual validity provisions and align with new turnover thresholds.

Jurisdictional Stability and Administrative Continuity

The amendments explicitly preserve existing jurisdictional frameworks, ensuring that the Order dated March 13, 2026, does not alter the jurisdiction of Licensing or Registering Authorities. This provision maintains administrative continuity and prevents jurisdictional confusion during the transition period.

License and registration numbers remain unchanged even when businesses migrate between categories due to revised thresholds, ensuring continuity of business identity and preventing documentation complications. Category changes do not require specific scrutiny or approval beyond standard application processing procedures.

Risk-Based Inspection Regime

The introduction of risk-based inspections represents a sophisticated approach to regulatory enforcement that optimizes resource allocation while maintaining safety standards. This methodology focuses regulatory scrutiny on high-risk operations while reducing unnecessary inspections for low-risk businesses, thereby lowering compliance costs and administrative burden.

For high-risk food businesses such as dairy, meat processing, packaged drinking water, and infant food manufacturers, safety and hygiene standards are maintained through mandatory compliance requirements, potential third-party audits when directed, targeted risk-based inspections, and annual fees with returns. Non-compliance results in suspension regardless of the higher registration thresholds, ensuring that regulatory relaxation does not compromise food safety.

Modification Procedures and Tatkal Applications

Modification applications continue under existing procedures, with fees applicable for Form C changes equivalent to one-year new license fees. The perpetual validity provisions and revised turnover thresholds apply comprehensively to Tatkal Licenses and Registrations, ensuring uniform application across all licensing categories.

No specific modification fees are required for existing FBOs migrating to new turnover thresholds, though general modification fees may apply for other updates, maintaining the principle of proportionate regulatory burden.

Conclusion

The FSSAI Amendment Regulations, 2026, represent a comprehensive modernization of India's food safety regulatory framework that balances administrative efficiency with safety imperatives. The introduction of perpetual validity, revised turnover thresholds, and risk-based inspections demonstrates regulatory innovation aimed at reducing compliance burden while maintaining rigorous safety standards. These reforms particularly benefit small-scale operators through deemed registration provisions and expanded thresholds, while the perpetual validity framework provides operational certainty for all categories of food businesses. The careful preservation of jurisdictional frameworks and transitional provisions ensures smooth implementation without disrupting existing operations. As these regulations take effect from April 1, 2026, they promise to create a more business-friendly regulatory environment while upholding India's commitment to food safety and public health protection.

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