

THE FOOD SAFETY AND STANDARDS ACT, 2006

The Food Safety and Standards Act, 2006 (FSSA) is an Indian law that consolidates various food-related laws and establishes the Food Safety and Standards Authority of India (FSSAI) to regulate food safety and standards in India.

Summary

The Food Safety and Standards Act, 2006 (FSSA) is a comprehensive law that aims to ensure food safety and hygiene in India. It consolidates various food-related laws and establishes the Food Safety and Standards Authority of India (FSSAI) as the regulatory body responsible for the enforcement of food safety and quality standards across the country. The act provides for the creation of standards for food products, licensing and registration of food businesses, and inspection and sampling of food products. It also provides for penalties and legal action against offenders who violate food safety standards. The FSSAI is empowered to undertake surveillance, monitoring, and enforcement activities to ensure that food products are safe and wholesome for consumption.

CHAPTER IX: OFFENCES AND PENALTIES

Section 48: General Provisions Relating To Offences

(1) A person may render any article of food injurious to health by means of one or more of the following operations, namely:

adding any article or substance to the food;

using any article or substance as an ingredient in the preparation of the food;

abstracting any constituents from the food; or

subjecting the food to any other process or treatment, with the knowledge that it may be sold or offered for sale or distributed for human consumption.

(2) In determining whether any food is unsafe or injurious to health, regard shall be had to -

the normal conditions of use of the food by the consumer and its handling at each stage of production, processing and distribution;

the information provided to the consumer, including information on the label, or other information generally available to the consumer concerning the avoidance of specific adverse health effects from a particular food or category of foods not only to the probable, immediate or short-term or long-term effects of that food on the health of a person consuming it, but also on subsequent generations;

to the probable cumulative toxic effects;

to the particular health sensitivities of a specific category of consumers where the food is intended for that category of consumers; and

also to the probable cumulative effect of food of substantially the same composition on the health of a person consuming it in ordinary quantities;

the fact where the quality or purity of the article, being primary food, has fallen below the specified standard or its constituents are present in quantities not within the specified limits of variability, in either case, solely due to natural causes and beyond the control of human agency, then such article shall not be deemed to be unsafe or sub-standard or food containing extraneous matter.

Explanation - For the purposes of this section, "injury", includes any impairment, whether permanent or temporary, and "Injurious to health" shall be construed accordingly.

Simplified Act

Simplified Explanation:

(1) A person can make food harmful to health by doing any of the following:

Adding something to the food;

Using something as an ingredient in making the food;

Removing parts of the food; or

Processing the food in some other way, knowing that it might be eaten or sold for eating.

(2) To decide if food is unsafe or harmful, consider:

How the food is normally used and handled from production to distribution;

What information is given to the consumer, like labels or other available information, that helps avoid health problems from the food, considering both immediate and long-term effects on health and future generations;

The chance of building up harmful substances in the body;

The specific health risks for certain groups of people if the food is meant for them; and

The effects of regularly eating food with the same makeup on a person's health.

If the food is a basic item and its quality or purity is less than the standard or its parts are not in the normal range, but this happened naturally and couldn't be controlled by people, then the food won't be considered unsafe or of low quality.

Explanation - For this section, "injury" means any harm, temporary or permanent, and "Injurious to health" should be understood in this way.

Explanation using Example

Imagine a local bakery that decides to use a cheaper, non-food grade dye to color its pastries to make them more appealing. This dye is known to contain chemicals that could be harmful if ingested. By adding this substance to the food, the bakery is engaging in an operation that could render the article of food injurious to health, as per Section 48(1)(a) of The Food Safety and Standards Act, 2006.

Furthermore, if consumers report adverse health effects after consuming these pastries, authorities would investigate the bakery's practices. In their assessment, as outlined in Section 48(2), they would consider how the pastries are typically consumed and handled, the information (or lack thereof) provided to consumers about the potential health risks, and whether the health effects could be more severe for specific groups of consumers, such as children or those with certain allergies. If the investigation concludes that the bakery knowingly used a harmful substance in its food processing, the bakery could face legal consequences for selling food that is unsafe and injurious to health.

Section 49: General Provisions Relating To Penalty

While adjudging the quantum of penalty under this Chapter, the Adjudicating Officer or the Tribunal, as the case may be, shall have due regard to the following:

- (a) the amount of gain or unfair advantage, wherever quantifiable, made as a result of the contravention,
- (b) the Amount of loss caused or likely to cause to any person as a result of the contravention,
- (c) the repetitive nature of the contravention,
- (d) whether the contravention is without his knowledge, and
- (e) any other relevant factor.

Simplified Act

When deciding on the amount of the fine for breaking the rules in this section, the person or court responsible for the decision will consider the following points:

- (a) How much money or advantage was gained from the rule violation, if this can be measured,
- (b) How much harm was caused or might be caused to anyone because of the rule violation,
- (c) Whether this rule violation has happened before,
- (d) If the person did not know they were breaking the rules, and
- (e) Any other important details.

Explanation using Example

Imagine a restaurant owner who has been found using adulterated ingredients in the dishes served to customers. The Food Safety Officer conducts an inspection and discovers that the adulteration was intentional to increase profits. The case is brought before an Adjudicating Officer for a penalty decision under the Food Safety and Standards Act, 2006.

In this scenario, the Adjudicating Officer will consider:

The extra profit the restaurant owner made from using cheaper adulterated ingredients instead of genuine ones.

The potential harm to the health of customers who consumed the adulterated food.

If the restaurant had been previously penalized for similar food safety violations, indicating a pattern of non-compliance.

Whether the restaurant owner was aware of the adulteration or if it happened without their knowledge, perhaps due to a supplier's misconduct.

Any other factors that might influence the severity of the penalty, such as the owner's efforts to rectify the issue after it was discovered.

The penalty imposed will reflect the gravity of the violation, factoring in these considerations.

Section 50: Penalty For Selling Food Not Of The Nature Or Substance Or Quality Demanded

Any person who sells to the purchaser's prejudice any food which is not in compliance with the provisions of this Act or the regulations made thereunder, or of the nature or substance or quality demanded by the purchaser, shall be liable to a penalty not exceeding five lakh rupees :

Provided that the persons covered under sub-section (2) of section 31, shall for such non-compliance be liable to a penalty not exceeding twenty-five thousand rupees.

Simplified Act

If someone sells food that does not meet the standards set by this law or the rules made under it, or if the food is not what the buyer asked for in terms of type, substance, or quality, the seller can be fined up to 5 lakh rupees (which is 500,000 rupees).

However, if the seller is a person mentioned in section 31, subsection (2) of this law, they can only be fined up to 25,000 rupees for not meeting these standards.

Explanation using Example

Imagine a scenario where a family visits a restaurant and orders a dish that is supposed to be prepared with organic vegetables as per the menu description. However, the restaurant uses non-organic, pesticide-laden vegetables instead,

without informing the customers. One of the family members, who has a severe allergy to certain pesticides, suffers an allergic reaction after consuming the dish.

Upon investigation, it is revealed that the restaurant knowingly substituted organic produce with non-organic produce, thus not complying with the Food Safety and Standards Act, which requires disclosure and honesty in food labeling and advertising. As a result, the restaurant could face a penalty of up to five lakh rupees for selling food that was not of the nature or quality demanded by the purchaser, which in this case was "organic vegetables".

Section 51: Penalty For Sub-Standard Food

Any person who whether by himself or by any other person on his behalf manufactures for sale or stores or sells or distributes or imports any article of food for human consumption which is sub-standard, shall be liable to a penalty which may extend to five lakh rupees.

Simplified Act

Section 51 Simplified: If a person, either on their own or through someone else, makes, stores, sells, gives out, or brings into the country any food that isn't up to the required quality for people to eat, they could be fined up to 5 lakh rupees (500,000 rupees).

Explanation using Example

Imagine a local bakery, "Sweet Treats," that is found to be selling cakes made with flour that is not up to the prescribed quality standards – the flour is sub-standard as per the food safety regulations. An inspection by the food safety officers determines that the sub-standard flour could potentially harm consumers' health. Under Section 51 of The Food Safety and Standards Act, 2006, the owner of "Sweet Treats" could face a penalty up to five lakh rupees for manufacturing and selling an article of food – in this case, cakes – that is considered sub-standard for human consumption.

Section 52: Penalty For Misbranded Food

(1) Any person who whether by himself or by any other person on his behalf manufactures for sale or stores or sells or distributes or imports any article of

food for human consumption which is misbranded, shall be liable to a penalty which may extend to three lakh rupees.

(2) The Adjudicating Officer may issue a direction to the person found guilty of an offence under this section, for taking corrective action to rectify the mistake or such article of food shall be destroyed.

Simplified Act

(1) If a person, either by themselves or through someone else, produces, stores, sells, distributes, or brings into the country any food meant for people to eat, and that food is falsely labeled or described, they could be fined up to three lakh rupees (300,000 rupees).

(2) If someone is found guilty of this false labeling or describing, the Adjudicating Officer (the official who makes legal decisions) has the power to order them to fix the issue. If it can't be fixed, the food product must be thrown away.

Explanation using Example

Imagine a company, "Healthy Bites," produces a line of energy bars. They label the bars as containing "No Added Sugar," but upon inspection by food safety authorities, it's discovered that "Healthy Bites" actually does add sugar during production. This is a clear case of misbranding under Section 52 of The Food Safety and Standards Act, 2006. As a result, the company could face a penalty of up to three lakh rupees. Furthermore, the Adjudicating Officer may order "Healthy Bites" to correct their labels and advertising to accurately reflect the product's contents or, if necessary, to destroy the misbranded food items.

Section 53: Penalty For Misleading Advertisement

1. Any person who publishes, or is a party to the publication of an advertisement, which -

(a) falsely describes any food; or

(b) is likely to mislead as to the nature or substance or quality of any food or gives false guarantee, shall be liable to a penalty which may extend to ten lakh rupees.

2. In any proceeding the fact that a label or advertisement relating to any article of food in respect of which the contravention is alleged to have been committed contained an accurate statement of the composition of the food shall not preclude the court from finding that the contravention was committed.

Simplified Act

1. If a person is involved in creating or spreading an ad that:

(a) lies about what the food is; or

(b) could confuse people about the real nature, ingredients, or quality of the food, or makes a false promise about it, then that person could be fined up to 10 lakh rupees (1 million rupees).

2. Even if the food's label or ad tells the truth about what's in the food, a court can still decide that the ad or label is misleading and breaks the law.

Explanation using Example

Imagine a company named 'HealthyLife' launches a new energy drink and advertises it as "Sugar-Free" while in reality, the drink contains significant amounts of sugar. This advertisement is seen on billboards and in television commercials, attracting consumers who are looking for sugar-free beverage options.

Later, it is discovered through lab tests that the energy drink contains sugar. As a result, 'HealthyLife' has violated Section 53 of The Food Safety and Standards Act, 2006 by falsely describing the food product in their advertisement. The company can be penalized up to ten lakh rupees for misleading consumers about the nature and quality of the drink.

Furthermore, even if 'HealthyLife' had listed the correct composition on the drink's label, this would not protect them from penalty, as the advertisement itself was misleading, which is a contravention of the act according to paragraph 2 of the section.

Section 54: Penalty For Food Containing Extraneous Matter

Any person whether by himself or by any other person on his behalf manufactures for sale or stores or sells or distributes or imports any article of

food for human consumption containing extraneous matter, shall be liable to a penalty which may extend to one lakh rupees.

Simplified Act

If a person, either alone or through someone else, makes, stores, sells, distributes, or brings into the country any food meant for people to eat that has unwanted substances in it, they could be fined up to 100,000 rupees.

Explanation using Example

Imagine a local bakery that makes and sells a variety of pastries. One day, a customer buys a pie and finds a small piece of plastic embedded within the filling. This is a case of food containing extraneous matter. Under Section 54 of The Food Safety and Standards Act, 2006, the bakery could be penalized for manufacturing and selling an article of food that contains such non-edible material, with a penalty that could go up to one lakh rupees.

Section 55: Penalty For Failure To Comply With The Directions Of Food Safety Officer

If a food business operator or importer without reasonable ground, fails to comply with the requirements of this Act or the rules or regulations or orders issued thereunder, as directed by the Food Safety Officer, he shall be liable to a penalty which may extend to two lakh rupees.

Simplified Act

Section 55 Simplified: If someone running a food business or importing food does not follow the rules of this law, or any other rules, regulations, or orders given by the Food Safety Officer, and doesn't have a good reason for not doing so, they could be fined up to 2 lakh rupees (200,000 rupees).

Explanation using Example

Example of Section 55 Application: Imagine a local bakery owner, Mr. Sharma, who has been directed by the Food Safety Officer to maintain a certain level of cleanliness and hygiene in his kitchen, as per the regulations under the Food Safety and Standards Act. Despite the warning, Mr. Sharma neglects the cleanliness standards, leading to an unhygienic environment that could potentially contaminate the food being sold. As a result, the Food Safety Officer imposes a penalty on Mr. Sharma for not adhering to the hygiene

requirements, which could be up to two lakh rupees, due to his failure to comply with the Act's directives without any reasonable ground.

Section 56: Penalty For Unhygienic Or Unsanitary Processing Or Manufacturing Of Food

Any person who, whether by himself or by any other person on his behalf, manufactures or processes any article of food for human consumption under unhygienic or unsanitary conditions, shall be liable to a penalty which may extend to one lakh rupees.

Simplified Act

If someone makes or prepares any kind of food for people to eat in dirty or unhealthy conditions, they could be fined up to 100,000 rupees (one lakh rupees).

Explanation using Example

Imagine a local bakery where the owner, Mr. Brown, has been using a kitchen with leaking pipes and mold on the walls to bake bread and cakes. Despite being aware of the conditions, he continues production to avoid the costs of repairs. A customer, Mrs. Smith, visits the bakery and notices the unsanitary conditions through the open kitchen door. She reports the bakery to the food safety authorities. An inspection is conducted, and the bakery is found to be in violation of hygienic standards as per Section 56 of The Food Safety and Standards Act, 2006. Consequently, Mr. Brown could face a penalty of up to one lakh rupees for manufacturing food under unhygienic conditions.

Section 57: Penalty For Possessing Adulterant

(1) Subject to the provisions of this chapter, if any person who whether by himself or by any other person on his behalf, imports or manufactures for sale, or stores, sells or distributes any adulterant shall be liable:

- (i) where such adulterant is not injurious to health, to a penalty not exceeding two lakh rupees;
- (ii) where such adulterant is injurious to health, to a penalty not exceeding ten lakh rupees.

(2) In a proceeding under sub-section (1), it shall not be a defence that the accused was holding such adulterant on behalf of any other person.

Simplified Act

(1) According to this part of the law, if someone imports, makes, stores, sells, or gives out any substance that can mix with food to make it impure (an adulterant), they can be fined:

(i) up to 2 lakh rupees (about 200,000 rupees) if the adulterant does not harm people's health;

(ii) up to 10 lakh rupees (about 1,000,000 rupees) if the adulterant can harm people's health.

(2) When dealing with a case like this, the person accused cannot argue that they had the adulterant for someone else as a way to defend themselves.

Explanation using Example

Imagine a local grocery store owner, Mr. Gupta, who has unknowingly purchased a bulk supply of turmeric powder that contains a non-toxic yellow coloring agent used to enhance its color. An inspection by food safety officers reveals the adulteration, and it is determined that the coloring agent is not harmful to health. Under Section 57(1)(i) of The Food Safety and Standards Act, 2006, Mr. Gupta could face a penalty of up to two lakh rupees for selling this adulterated spice. Furthermore, according to Section 57(2), Mr. Gupta cannot claim a defense by stating that he was merely holding the adulterated turmeric on behalf of his supplier. He is responsible for ensuring that the products he sells are free from adulterants.

Section 58: Penalty For Contraventions For Which No Specific Penalty Is Provided

Whoever contravenes any provisions of this Act or the rules or regulations made thereunder, for the contravention of which no penalty has been separately provided in this Chapter, shall be liable to a penalty which may extend to two lakh rupees.

Simplified Act

Simple Explanation of Section 58: If someone breaks any part of the Food Safety and Standards Act, or the rules and regulations that come with it, and if there isn't already a specific penalty for that violation mentioned in this part of the law, then they could be fined up to 200,000 rupees.

Explanation using Example

For instance, imagine a local bakery that fails to comply with the packaging and labeling regulations set by the Food Safety and Standards Act. However, there is no specific penalty mentioned for this particular violation in the Act. Under Section 58, the bakery owner could face a penalty of up to two lakh rupees for this non-compliance, as it is a contravention of the Act's provisions without a separately provided penalty.

Section 59: Punishment For Unsafe Food

Any person who, whether by himself or by any other person on his behalf, manufactures for sale or stores or sells or distributes or imports any article of food for human consumption which is unsafe, shall be punishable, -

where such failure or contravention does not result in injury, with imprisonment for a term which may extend to six months and also with fine which may extend to one lakh rupees;

where such failure or contravention results in a non-grievous injury, with imprisonment for a term which may extend to one year and also with fine which may extend to three lakh rupees;

where such failure or contravention results in a grievous injury, with imprisonment for a term which may extend to six years and also with fine which may extend to five lakh rupees;

where such failure or contravention results in death, with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life and also with fine which shall not be less than ten lakh rupees.

Simplified Act

If a person makes, stores, sells, distributes, or brings into the country any kind of food for people to eat that is not safe, they can be punished in the following ways:

If the unsafe food does not cause any injury, the person can be jailed for up to six months and fined up to 1 lakh rupees (100,000 rupees).

If the unsafe food causes a minor injury, the person can be jailed for up to one year and fined up to 3 lakh rupees (300,000 rupees).

If the unsafe food causes a serious injury, the person can be jailed for up to six years and fined up to 5 lakh rupees (500,000 rupees).

If the unsafe food causes someone's death, the person must be jailed for at least seven years, which could extend to a life sentence, and fined at least 10 lakh rupees (1,000,000 rupees).

Explanation using Example

Imagine a local bakery that manufactures and sells a variety of pastries. One day, due to negligence in following food safety standards, the bakery uses contaminated flour, resulting in several customers experiencing food poisoning. Thankfully, none of the customers suffer serious harm.

In this scenario, under Section 59 of The Food Safety and Standards Act, 2006, the owner of the bakery could face legal consequences. Since the contaminated pastries were unsafe for consumption but did not result in injury, the bakery owner might be subject to:

Imprisonment for up to six months, and/or

A fine that could go up to one lakh rupees.

Section 60: Punishment For Interfering With Seized Items

If a person without the permission of the Food Safety Officer, retains, removes or tampers with any food, vehicle, equipment, package or labelling or advertising material or other thing that has been seized under this Act, he shall be punishable with imprisonment for a term which may extend to six months and also with fine which may extend to two lakh rupees.

Simplified Act

If someone messes with or keeps any food, vehicle, equipment, package, labels, ads, or anything else that has been taken away by the Food Safety Officer without getting permission first, they can be sent to jail for up to six months and also might have to pay a fine of up to two lakh rupees.

Explanation using Example

Imagine a local bakery owner, whose premises were inspected by a Food Safety Officer due to a complaint about food hygiene. During the inspection, the officer found several violations and decided to seize some of the bakery's food items for further testing. The bakery owner, frustrated with the situation and fearing a loss of business, decides to take back the seized food items from the authorities without permission. The bakery owner's actions would fall under the purview of Section 60 of The Food Safety and Standards Act, 2006. Consequently, the owner could face imprisonment of up to six months and a fine of up to two lakh rupees for tampering with seized items.

Section 61: Punishment For False Information

If a person, in connection with a requirement or direction under this Act, provides any information or produces any document that the person knows is false or misleading, he shall be punishable with imprisonment for a term which may extend to three months and also with fine which may extend to two lakh rupees.

Simplified Act

If someone knowingly gives false or misleading information, or shows a false or misleading document when asked for information or documents under the Food Safety and Standards Act, they can be sent to jail for up to three months and also be fined up to two lakh rupees (200,000 rupees).

Explanation using Example

Imagine a restaurant owner is asked by a food safety inspector to provide details regarding the sources of their meat products to ensure they comply with food safety regulations. If the owner knowingly provides false information, stating that the meat is sourced from a certified supplier while it actually comes from an unapproved source, the owner would be in violation of Section 61 of The Food Safety and Standards Act, 2006. If caught, the owner could face imprisonment for up to three months and a fine of up to two lakh rupees for providing misleading information to the inspector.

Section 62: Punishment For Obstructing Or Impersonating A Food Safety Officer

If a person without reasonable excuse, resists, obstructs, or attempts to obstruct, impersonate, threaten, intimidate or assault a Food Safety Officer in exercising his functions under this Act, he shall be punishable with imprisonment for a term which may extend to three months and also with fine which may extend to one lakh rupees.

Simplified Act

Simple Explanation of Section 62: If someone, without a good reason, tries to stop a Food Safety Officer from doing their job, pretends to be one, threatens, scares, or attacks them, they can be sent to jail for up to three months and/or have to pay a fine up to 1 lakh rupees (100,000 rupees).

Explanation using Example

Imagine a local bakery owner, Mr. Sharma, is visited by a Food Safety Officer for a routine inspection. The officer starts checking the cleanliness of the kitchen and the quality of ingredients used. Mr. Sharma, feeling anxious about the inspection, starts arguing with the officer, trying to prevent him from checking the storage area by standing in the doorway and not moving aside. This behavior of Mr. Sharma could be seen as an attempt to obstruct the officer in the performance of his duties. According to Section 62 of The Food Safety and Standards Act, 2006, Mr. Sharma's actions could lead to legal consequences, including imprisonment of up to three months and a fine of up to one lakh rupees, if he cannot provide a reasonable excuse for his behavior.

Section 63: Punishment For Carrying Out A Business Without License

If any person or food business operator except the persons exempted from licensing under sub-section (2) of section 31 of this Act, 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, 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 rupees.

Simplified Act

If someone who runs a food business (unless they don't need a license as mentioned in section 31, sub-section (2) of the Act) makes, sells, stores, distributes, or brings in food from another country without the required license, they could go to jail for up to six months and also be fined up to 5 lakh rupees.

Explanation using Example

Imagine a local bakery owner, Mr. Brown, who runs a small establishment in a town. Despite the bakery's popularity, Mr. Brown has overlooked the legal requirement to obtain a food license under the Food Safety and Standards Act. One day, a routine inspection by the food safety officers reveals that Mr. Brown has been operating without the necessary license. As a result, under Section 63 of the Act, Mr. Brown faces the possibility of being charged with a crime that carries a punishment of up to six months in prison and a fine of up to five lakh rupees for running his bakery business without the required licence.

Section 64: Punishment For Subsequent Offences

If any person, after having been previously convicted of an offence punishable under this Act subsequently commits and is convicted of the same offence, he shall be liable to:

twice the punishment, which might have been imposed on a first conviction, subject to the punishment being maximum provided for the same offence;

a further fine on daily basis which may extend up to one lakh rupees, where the offence is a continuing one; and

his licence shall be cancelled.

(2) The Court may also cause the offender's name and place of residence, the offence and the penalty imposed to be published at the offender's expense in such newspapers or in such other manner as the court may direct and the expenses of such publication shall be deemed to be part of the cost attending the conviction and shall be recoverable in the same manner as a fine.

Simplified Act

If a person breaks the food safety law, is found guilty, and then breaks the same law again and is found guilty again, the consequences will be:

The person can be punished with up to twice the amount of punishment they received the first time, but the punishment cannot be more than the maximum allowed for that offence.

If the offence continues over a period of time, the person can be fined up to 100,000 rupees for each day the offence continues.

The person's food safety license will be taken away.

Additionally, the court can order that the person's name, where they live, the nature of the offence, and the punishment they received be made public. The person found guilty must pay for this publication, and these costs are considered part of the legal expenses. If the person doesn't pay, it can be collected like a regular fine.

Explanation using Example

Imagine a restaurant owner, Mr. Sharma, who was previously fined for not maintaining hygienic conditions in his kitchen, which is a violation under the Food Safety and Standards Act, 2006. Despite the conviction, he fails to improve the sanitation and is again found guilty of the same offence during a subsequent inspection.

Under Section 64 of the Act, Mr. Sharma now faces:

A penalty that is twice as much as the one imposed for his first conviction.

If the unhygienic conditions are found to be a continuous problem, an additional daily fine up to one lakh rupees.

Cancellation of his license to operate the restaurant.

Moreover, the court orders that Mr. Sharma's conviction details be published in local newspapers at his expense, to inform the public and deter similar offences.

Section 65: Compensation In Case Of Injury Or Death Of Consumer

(1) Without prejudice to the other provisions of this Chapter, if any person whether by himself or by any other person on his behalf, manufactures or distributes or sells or imports any article of food causing injury to the consumer or his death, it shall be lawful for the Adjudicating Officer or as the

case may be, the court to direct him to pay compensation to the victim or the legal representative of the victim, a sum -

- (a) not less than five lakh rupees in case of death;
- (b) not exceeding three lakh rupees in case of grievous injury; and
- (c) not exceeding one lakh rupees, in all other cases of injury :

Provided that the compensation shall be paid at the earliest and in no case later than six months from the date of occurrence of the incident :

Provided further that in case of death, an interim relief shall be paid to the next of the kin within thirty days of the incident.

(2) Where any person is held guilty of an offence leading to grievous injury or death, the Adjudicating Officer or the court may cause the name and place of residence of the person held guilty, the offence and the penalty imposed to be published at the offender's expense in such newspapers or in such other manner as the Adjudicating Officer or the court may direct and the expenses of such publication shall be deemed to be part of the cost attending the conviction and shall be recoverable in the same manner as a fine.

(3) The Adjudicating Officer or the court may also, -

- (a) order for cancellation of licence, recall of food from market, forfeiture of establishment and property in case of grievous injury or death of consumer;
- (b) issue prohibition orders in other cases.

Simplified Act

Simplified Explanation of Section 65 of The Food Safety and Standards Act, 2006

Compensation for Harm Caused by Unsafe Food:

If someone makes, sells, or imports food that harms or kills a consumer, the responsible person must pay money to the injured person or their family. The amounts are:

At least ₹5 lakh for death;

Up to ₹3 lakh for serious injury;

Up to ₹1 lakh for other injuries.

This money must be paid quickly, no later than 6 months after the incident. In cases of death, the family should get some money within 30 days.

Public Notice of Guilt:

If found guilty of causing serious injury or death, the offender's details, the crime, and the punishment can be made public in newspapers or other ways. The guilty person must pay for this announcement.

Additional Penalties:

The officer or court can also:

Cancel the offender's license;

Order a recall of the harmful food from the market;

Take away the offender's property or business if the food caused death or serious injury;

Issue orders to stop the offender from continuing such activities in other cases.

Explanation using Example

Imagine a scenario where a local bakery manufactures a batch of cookies that contain a contaminated ingredient, which causes food poisoning among several consumers. One consumer suffers a severe allergic reaction leading to grievous injury, while others experience minor symptoms.

In this situation, the Food Safety and Standards Act, 2006 would come into play. The Adjudicating Officer or court, upon finding the bakery guilty, may order the bakery owner to pay compensation to the consumers. Specifically:

The consumer who suffered a grievous injury could be awarded compensation up to three lakh rupees.

Other consumers, who suffered minor injuries, could be awarded compensation up to one lakh rupees each.

Additionally, the officer or court may:

Order the bakery's license to be cancelled.

Require a recall of the cookies from the market.

Order the forfeiture of the bakery's establishment and property.

Issue prohibition orders to prevent the bakery from continuing operations.

The court may also direct that the bakery owner's name, residence, the nature of the offence, and the penalty imposed be published in newspapers at the owner's expense.

Section 66: Offences By Companies

(1) Where an offence under this Act which has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that where a company has different establishments or branches or different units in any establishment or branch, the concerned Head or the person in charge of such establishment, branch, unit nominated by the company as responsible for food safety shall be liable for contravention in respect of such establishment, branch or unit:

Provided further that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation - For the purpose of this section, -

(a) "company" means anybody corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

Simplified Act

(1) If a company breaks a law covered by the Food Safety and Standards Act, both the company itself and the people who were in charge of running the business at the time of the offence are considered to have committed the crime. They can be taken to court and punished if found guilty.

However, if a company has multiple locations or departments, the person who is nominated by the company to be responsible for food safety at each location or department is the one who will be held accountable for any legal violations there.

Additionally, a person will not be punished if they can show that they didn't know about the offence or that they did everything they could to prevent it from happening.

(2) Even if what is said in part (1), if a company offence occurs with the approval, help, or because of the neglect of a company's director, manager, secretary, or other officer, that individual will also be considered guilty and can face legal action and punishment.

Definition - In this section:

(a) "company" refers to any organized group, including partnerships and associations of people; and

(b) "director" means a partner in a firm when talking about a partnership.

Explanation using Example

Imagine a scenario where a popular restaurant chain, "Tasty Bites," is found to be serving food that does not comply with the hygiene and safety standards set by the Food Safety and Standards Act, 2006. An investigation reveals that the kitchen of one of its branches has been using expired ingredients, leading to cases of food poisoning among customers.

In this case, under Section 66(1) of the Act, not only is "Tasty Bites" as a company held responsible for the offence, but also the individual who was in charge of the branch at the time the offence was committed could be deemed guilty and face legal proceedings. If "Tasty Bites" had nominated a specific person responsible for food safety at that branch, then that individual would be liable for the contravention.

However, if the person in charge can prove that they had no knowledge of the offence or that they took all necessary precautions to prevent such an offence,

as per the first proviso of Section 66(1), they may not be punished under the Act.

Moreover, if it is discovered that the offence occurred with the knowledge, consent, or due to the negligence of any of the company's directors or managers, as per Section 66(2), those individuals could also be held personally accountable and prosecuted.

Section 67: Penalty For Contravention Of Provisions Of This Act In Case Of Import Of Articles Of Food To Be In Addition To Penalties Provided Under Any Other Act

1. Any person who imports any article of food which is in contravention of the provisions of this Act, rules and regulations made thereunder, shall, in addition to any penalty to which he may be liable under the provisions of the Foreign Trade (Development and Regulation) Act, 1992 (22 of 1992) and the Customs Act, 1962 (52 of 1962) be also liable under this Act and shall be proceeded against accordingly.

2. Any such article of food shall be destroyed or returned to the importer, if permitted by the competent authority under the Foreign Trade (Development and Regulation) Act, 1992 (22 of 1992) or the Customs Act, 1962 (52 of 1962), or any other Act, as the case may be.

Simplified Act

1. If a person brings food into the country that does not meet the requirements of the Food Safety and Standards Act, or the rules and regulations that go along with it, they can be punished under this Act. This is in addition to any penalties they might face under other laws related to foreign trade and customs.

2. Any food that doesn't follow these rules will either be thrown away or given back to the person who brought it in. This can only happen if the person in charge under the foreign trade or customs laws, or any other relevant laws, says it's okay.

Explanation using Example

Imagine a company, "Healthy Imports Inc.," which specializes in importing organic snacks into India. One of their shipments contains a batch of organic

nuts that, upon inspection by the Food Safety and Standards Authority of India (FSSAI), is found to contain a pesticide residue level higher than what is permitted under Indian regulations. According to Section 67 of the Food Safety and Standards Act, 2006, not only does the company face penalties under the Customs Act, 1962, for importing a non-compliant product, but they are also subject to penalties under the Food Safety and Standards Act itself. Consequently, the shipment could either be destroyed or sent back to the country of origin, depending on the decision of the competent authority.