

**Bill No. 319 of 2019**

THE FOOD SAFETY AND STANDARDS (AMENDMENT) BILL, 2019

By

SHRI PARVESH SAHIB SINGH, M.P.

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BILL

*further to amend the Food Safety and Standards Act, 2006.*

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Food Safety and Standards (Amendment) Act, 2019. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification  
5 in the Official Gazette, appoint.

34 of 2006. 2. In section 50 of the Food Safety and Standards Act, 2006 (hereinafter referred to as the principal Act),— Amendment of section 50.

(a) for the words "not exceeding five lakh rupees", the words "not less than five lakh rupees" shall be substituted; and

10 (b) in the proviso, for the words "not exceeding twenty five thousand rupees", the words "not less than twenty-five thousand rupees" shall be substituted.

Amendment of section 51.	<b>3.</b> In section 51 of the principal Act, for the words "shall be liable to penalty which may extend to five lakh rupees", the words "shall be liable to imprisonment which may extend to six months and also with penalty which may extend to ten lakh rupees" shall be substituted.	
Amendment of section 52.	<b>4.</b> In section 52 of the principal Act, in sub-section (I), for the words "shall be liable to penalty which may extend to three lakh rupees", the words "shall be liable to imprisonment which may extend to three months and also penalty which shall not be less than five lakh rupees" shall be substituted.	5
Amendment of section 53.	<b>5.</b> In section 53 of the principal Act, in sub-section (I), for the words "shall be liable to a penalty which may extend to ten lakh rupees", the words "shall be liable to imprisonment which may extend to two years and also a penalty which shall not less than ten lakh rupees" shall be substituted.	10
Amendment of section 54.	<b>6.</b> In section 54 of the principal Act, for the words "shall be liable to a penalty which may extend to one lakh rupees", the words "shall be liable to imprisonment which may extend to three months and also with penalty which may extend to ten lakh rupees" shall be substituted.	15
Amendment of section 55.	<b>7.</b> In section 55 of the principal Act, for the words "shall be liable to a penalty which may extend to two lakh rupees", the words "shall be liable to imprisonment which may extend to three years and also with penalty which may extend to ten lakh rupees" shall be substituted.	
Amendment of section 56.	<b>8.</b> In section 56 of the principal Act, for the words "shall be liable to a penalty which may extend to one lakh rupees", the words "shall be liable to imprisonment which may extend to six month and also with penalty which may extend to five lakh rupees" shall be substituted.	20
Amendment of section 57.	<b>9.</b> In section 57 of the principal Act, in sub-section (I),—  (a) in clause (i), for the words "to a penalty not exceeding two lakh rupees", the words "to imprisonment which may extend to six months and also with penalty which may extend to ten lakh rupees" shall be substituted; and  (b) in clause (ii), for the words "to a penalty not exceeding ten lakh rupees", the words "to imprisonment which may extend to seven years and also with penalty which may extend to one crore rupees" shall be substituted.	25
Amendment of section 58.	<b>10.</b> In section 58 of the principal Act, for the word "two lakh rupees", the words "five lakh rupees" shall be substituted.	30
Amendment of section 59.	<b>11.</b> In section 59 of the principal Act,—  (a) in clause (i), for the words "six months and also with fine which may extend to one lakh rupees", the words "three years and also with fine which may extend to five lakh rupees" shall be substituted;  (b) in clause (ii), for the words, "one year and also with fine which may extend to three lakh rupees", the words "five years and also with fine which may extend to ten lakh rupees" shall be substituted;  (c) in clause (iii), for the words, "six years and also with fine which may extend to five lakh rupees", the words "ten years and also with fine which may extend to fifteen lakh rupees" shall be substituted; and  (d) in clause (iv), for the words, "with imprisonment for a term which shall not 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", the word "with death, or imprisonment for life, and also with fine which may extend to fifty lakh rupees" shall be substituted.	35
Amendment of section 60.	<b>12.</b> In section 60 of the principal Act, for the word "shall be punishable with imprisonment for a term which may extend to six months and also with a fine which may extend to two lakh rupees", the words "shall be punishable with imprisonment for a term which may extend to three years and also with a fine which may extend to fifteen lakh rupees" shall be substituted.	45

5	<p><b>13.</b> In section 61 of the principal Act, for the words "shall be punishable with imprisonment for a term which may extend to three month and also with fine which may extend to two lakh rupees", the words "shall be punishable with imprisonment for a term which may extend to one year and also with a fine which may extend to five lakh rupees" shall be substituted.</p>	Amendment of section 61.
10	<p><b>14.</b> In section 62 of the principal Act, for the words "shall be punishable with imprisonment for a term which may extend to three month and also with a fine which may extend to one lakh rupees", the words "shall be punishable with imprisonment for a term which may extend to two years and also with a fine which may extent to five lakh rupees" shall be substituted.</p>	Amendment of section 62.
15	<p><b>15.</b> In section 63 of the principal Act, for the words "shall be punishable with imprisonment for a term which may extend to six month and also with a fine which may extend to five lakh rupees", the words "shall be punishable with imprisonment for a term which may extend to three years and also with a fine which may extend to twenty five lakh rupees" shall be substituted.</p>	Amendment of section 63.
	<p><b>16.</b> In section 65 of the principal Act, in sub-section (1),—</p>	Amendment of section 65.
	<p style="padding-left: 20px;">(i) in clause (a), for the words "five lakh rupees", the words "twenty-five lakh rupees" shall be substituted;</p>	
20	<p style="padding-left: 20px;">(ii) in clause (b), for the words "three lakh rupees", the words "fifteen lakh rupees" shall be substituted; and</p>	
	<p style="padding-left: 20px;">(iii) in clause (c), for the words "one lakh rupees", the words "five lakh rupees" shall be substituted.</p>	
25	<p><b>17.</b> After section 67 of the principal Act, the following sections shall be inserted, namely:—</p>	Insertion of new section 67A, 67B, 67C and 67D.
30	<p style="padding-left: 20px;"><b>67A.</b> In every case, of an offence punishable with imprisonment as well as fine, in which the offender is sentenced to a fine, whether with or without imprisonment, and in every case of an offence punishable with imprisonment or fine, or with fine only, in which the offender is sentenced to a fine, it shall be competent to the Court which sentences such offender to direct by the sentence that, in default at payment of the fine, the offender shall suffer imprisonment for a certain term, in which imprisonment shall be in excess of any other imprisonment to which he may have been sentenced or to which he may be liable under a commutation of a sentence.</p>	Sentence of imprisonment for non-payment of fine.
35	<p style="padding-left: 20px;"><b>67B.</b> The term for which the Court directs the offender to be imprisoned in default of payment of a fine shall not be less than one-half of the term of imprisonment which is the maximum fixed for the offence, if the offence be punishable with imprisonment as well as fine.</p>	Extension of imprisonment for non-payment of fine.
	<p style="padding-left: 20px;"><b>67C.</b> Where the offence is punishable with fine only, the imprisonment which the Court imposes in default of payment of the fine shall be proportional to the fine.</p>	Imprisonment for non-payment of fine when offence punishable with fine only.
40	<p style="padding-left: 20px;"><b>67D.</b> The imprisonment which is imposed in default of payment of a fine shall terminate whenever that fine is either paid or levied by process of law."</p>	Imprisonment to terminate on payment of fine.

## STATEMENT OF OBJECTS AND REASONS

Food adulteration is a wide spread problem in our country, however, it fails to attract attention proportional to the magnitude of threat it poses. Past instances have left thousands with chronic health problems often resulting in complete inability to work, sometimes even death. Several Commissions and Panels (including the B.S. Chauhan panel set up by the Hon'ble Supreme Court) have called for stricter provisions to prevent food adulteration. The Law Commission has also recommended amendment to Indian Penal Code *i.e.* sections 272 (dealing with adulteration of food and drinks) and 273 (dealing with the sale of noxious food and drinks) for making it a much serious offence.

Food adulteration, which is an act (incidental or intentional) of adding chemicals or any unrequired extraneous materials that makes it unfit for consumption, is so prevalent that the FSSAI in its survey found twenty five per cent, of the food samples unsafe for human consumption. Basic items like milk and cooking oil were the most adulterated. This poses a massive threat to India at a time when it is on the verge of reaping benefits of its demographic dividend. India cannot afford to compromise on the health of its citizens, especially children, and therefore it imperative to strengthen the Food Safety Standards Act, 2006.

The Bill seeks to amend the Food Safety Standards Act, 2006 to introduce graver punishments and penalties for offenders. It also introduces death penalty for offenders who manufacture, store or sell adulterated food which results in death of the consumer. The Bill also enhances the amount of penalties up to rupees fifty lakhs and amount of compensation to rupees twenty-five lakhs. An act of food adulteration has the potential of taking lives, we shall ensure that the magnitude of the punishment be such that it can deter such heinous acts.

Hence this Bill.

NEW DELHI;  
November 6, 2019

PARVESH SAHIB SINGH

ANNEXURE

EXTRACT FROM THE FOOD SAFETY AND STANDARDS ACT, 2016

(34 OF 2006)

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**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:

Penalty for selling food not of the nature or substance or quality demanded.

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.

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**51.** 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.

Penalty for sub-standard food.

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**52.** (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.

Penalty for misbranded food.

(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.

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**53.** (1) Any person who publishes, or is a party to the publication of an advertisement, which—

Penalty for misleading advertisement.

(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.

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**54.** 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.

Penalty for food containing extraneous matter.

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<p><b>61.</b> 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.</p>	<p>Punishment for false information.</p>
<p>* * * * *</p>	
<p><b>62.</b> 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.</p>	<p>Punishment for obstructing or impersonating a Food Safety Officer.</p>
<p>* * * * *</p>	
<p><b>63.</b> 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, manufactures, 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.</p>	<p>Punishment for carrying out a business without licence.</p>
<p>* * * * *</p>	
<p><b>65.</b> (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—</p>	<p>Compensation in case injury or death of consumer.</p>
<p>(a) not less than five lakh rupees in case of death;</p>	
<p>(b) not exceeding three lakh rupees in case of grievous injury; and</p>	
<p>(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:</p>	
<p>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.</p>	
<p>(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 punished 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.</p>	
<p>(3) The Adjudicating Officer or the court may also,—</p>	
<p>(a) order for cancellation of licence, re-call of food from market, for forfeiture of establishment and property in case of grievous injury or death of consumer;</p>	
<p>(b) issue prohibition orders in other cases.</p>	
<p>* * * * *</p>	
<p><b>96.</b> A penalty imposed under this Act, if it is not paid, shall be recovered as an arrear of land revenue and the defaulters licence shall be suspended till the penalty is paid.</p>	<p>Recovery of penalty.</p>
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*(Shri Parvesh Sahib Singh, M.P.)*