

Dated the, 15th September, 2020

To,

- 1. The Commissioner of Food Safety of All States/UTs**
- 2. All Central Licensing Authorities (Delhi/Mumbai/Chennai/Kolkata/Guwahati)**

Subject:- Advisory regarding Section-61 "Punishment for false information" of FSS Act, 2006-Reg.

Sir/Madam,

Reference is drawn towards the provisions of the Section-61 of FSS Act, 2006 are reproduced as under:

"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."

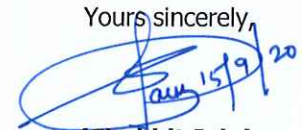
In this regard, further reference is drawn towards the Sec-80 (B) of FSS Act, 2006 that deals with the "**Defence of due diligence**" under Section- "**80. Defences which may or may not be allowed in prosecution under this Act.**"

Under the Proviso- 3 (a) to sub-clause (a) of clause (2), another person does not include a person who was "**(a) an employee or agent of the defendant**" and thus the said defence of lack of due diligence by the consultant/agent may not be admissible to the FBO.

It may therefore be advised to the all the stakeholders that in view of the above legal position, the defence of lack of due diligence on the part of the agent or consultant engaged by the FBOs may not be admissible and hence FBOs are advised to ensure that no information submitted by them or their agent is false in their own interest, otherwise the same may render the FBO and/or its agent/consultant liable for penal action under Section-61 of the FSS Act, 2006 and rules/regulations made thereunder.

Issued with the approval of the Competent Authority.

Yours sincerely,



(Shobhit Jain)

Executive Director (Compliance Strategy)

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CITO, FSSAI-for uploading this advisory on FSSAI website.