

Gujarat Prevention Of Food Adulteration Rules, 1961

[23 August 1961]

CONTENTS

1. Short Title And Extent
2. Definitions
3. Food (Health) Authority And Its Powers And Duties
4. Powers And Duties Of Local Authority
5. Licenses
6. Register Be Maintained For Purposes Of Rule 50(12) Of The Central Rules
7. Fees For Analyzing Articles Of Food
8. Fees Payable To Public Analyst For Attending Court

SCHEDULE 1 :- Form A

SCHEDULE 2 :- Form B

SCHEDULE 3 :- Appendix A(1)

SCHEDULE 4 :- Appendix A(2)

SCHEDULE 5 :- Appendix A(3)

Gujarat Prevention Of Food Adulteration Rules, 1961

[23 August 1961]

1. Short Title And Extent :-

(1) These rules may be called the Gujarat prevention of food adulteration rules, 1961. (2) They shall extend to the whole of the state of Gujarat. Footnote:- 1. Vide noti. No. PFA 1061/28858-b-2, Dated 23-8-1961, as Amended by Gujarat gazette, Pt.IV-A, Dated 7-5-1964.

2. Definitions :-

In these rules, unless the context otherwise requires:- (a) "Act" means the prevention of food adulteration act, 1954 (37 of 1954); (b) "Central Rules" means the prevention of food adulteration rules, 1955; (c) "Health Officer" includes executive health officer, assistant health officer, medical officer of health, assistant director of public health, district health officer, deputy director of public

health services or any other officer who is empowered to carry out duties of a health officer; (d) "Section" means a section of the act.

3. Food (Health) Authority And Its Powers And Duties :-

(1) The director of health and medical services (health) of the state of Gujarat (being the chief officer in charge of the health administration in the state of Gujarat, shall be the food (health) authority (hereinafter referred to as the authority). (2) The authority shall be responsible for the general superintendence of the administration and enforcement of the act. (3) The authority shall for giving effect to the provisions of the act have control over the public health laboratories maintained by the state government and local authorities and the public analysts and food inspectors appointed under the act. (4) The authority may give to a local authority all such directions as it may consider necessary in regard to any matter connected with the enforcement of the act and rules made there under and the local authority shall comply with such directions. (5) The authority whenever called upon to do so shall advise the state government or the local authority, as the case may be, in matters relating to the administration and enforcement of the act. (6) (a) if the state or any part thereof is visited by, or threatened with an outbreak of any infectious disease, the authority shall ascertain the cause of such outbreak of the infectious disease. (b) If in the opinion of the authority the outbreak of any infectious disease is due to any article of food, the authority shall take such measures as it shall deem necessary to prevent the outbreak of such disease or the spread thereof.

4. Powers And Duties Of Local Authority :-

(1) Subject to the provisions of rule 3, the local authority shall be responsible for the proper day-to-day administration and enforcement of the act within its jurisdiction. (2) The local authority shall appoint a health officer or health officers for the purposes of the act, having jurisdiction over the whole or part of its areas as it may specify. (3) The local authority may appoint persons in such number as it thinks fit, having qualifications prescribed under the central rules, to be food inspectors for the purpose of this act, and they shall exercise powers within such local areas as it may assign to them, with the approval of that authority. (4) The local authority shall appoint such officers as it thinks fit to be licensing authorities within its jurisdiction for the purposes of clause (b) of sub-section (2) of section 24 of the act. (5) A municipal corporation in the state which maintains its own laboratories may appoint persons in such

number as it thinks fit and possessing the qualifications prescribed under the central rules, to be public analysts for the purposes of the act in consultation with the authority.

5. Licenses :-

(1) any person desiring for the manufacture for sale, for the storage, for the sale or for the distribution of articles of food in respect of which a license is required under rule 50 of the central rules made by the central government under section 23, shall apply for a license in form a to the licensing authorities appointed by the local authority. (2) the applicant shall submit along with the application for license, block plans in triplicate showing, (a) the actual area of the premises which is intended to be used for the purpose for which license is applied for and (b) the position at which the various operations connected with such purpose are to be carried on. (3) On receipt of such application and plans assessing authority shall inspect the said premises, and shall grant necessary license in form b, if it is satisfied that it is free from sanitary defects and the applicant complies with other conditions for holding the license. (4) A license shall be issued on payment of fees as laid down in the schedule for the period beginning on the date of its issue and ending on the 31st march next following. (5) The licensee shall abide by the provisions of that act and the rules made there under, and the conditions of the license for breach of any of the provisions of the act or rules made there under or the conditions of license. (6) where the licensing authority refuses to grant a license, or suspends or cancels any license, it shall, before making an order in that behalf, require the applicant or, as the case may be, the licensee to show cause within a specified time why such order should not be made. If the applicant or the licensee does not show any cause within the specified time, or show cause which in the opinion of the licensing authority is not satisfactory, the licensing authority concerned shall make an order accordingly. (7) Any person aggrieved by the decision of the licensing authority under this rule, may appeal to the local authority within 30 days of the date on which the order is communicated to him. (8) No holder of a license shall be entitled to any compensation for cancellation or suspension of license nor to refund of any fee paid in respect thereof.

6. Register Be Maintained For Purposes Of Rule 50(12) Of The Central Rules :-

(1) For the purposes of sub-rule (12) of rule 50 of the central rules,

every manufacturer or wholesale dealer in butter, ghee, hydrogenated vegetable oils, edible oils and other fats and also in spices shall maintain a register in the following proforma:- Front Page

Front Page				
Name and address of the license holder.....				
Address of premises.....				
Number and date of license.....				
Operation carried out.....				
Subsequent pages.....				
Sl. No.	Date	nature of Substance	descriptive mark	quantity manufactured, prepared purchased or received
1	2	3	4	5
Disposal				
Name and address of the person to whom sold	quantity sold	Date of sale	Brand of article	Remarks
6	7	8	9	10
Subsequent pages in case of oil ghanis driven by animals shall be as follows:-				
Sl.No.	Date	total quantity of copra or oil seed purchased	total quantity of oil manufactured prepared, purchased or received	Total quantity of oil seed

(2) such register shall be maintained in the form of permanently bound and serially paged register and kept open for inspection at the place in respect of which a license is granted where business is carried on or whenever required by the licensing authority or any officer authorized by it.

7. Fees For Analyzing Articles Of Food :-

The following fees shall be payable for analyzing the articles of food in government public health laboratories at Baroda, Bhuj and Junagadh. (1) (a) for local authorities at an uniform rate of Rs. 4 per sample of each article of food analyzed, subject to their paying the minimum of contribution per annum as shown below:- Rs Sample

		Rs	Sample
(i)	For towns with a population of 10,000 or less	80	for 20
(ii)	for towns with a population of more than 10,000 but not more than 20,000	160	for 40
(iii)	for towns with a population of more than 20,000 but	240	For 60

(iv)	not more than 30,000 for towns with a population of more than 30,000 but not more than 40,000	320	For 80
(v)	for towns with a population of more than 40,000 but not more than, 1,00,000	400	For 100
(vi)	for towns with a population of more than 1,00,000	640	For 160

(b) The local authorities shall render their account and pay their charges half-yearly. Note A local authority maintaining, its own analytical laboratories is exempted from this clause, when the sample from its area analyzed in its laboratories by its public analyst. (2) For private persons:- (a) Milk, butter and ghee, Rs. 3 per sample. (b) Edible oil and fats, Rs. 5 per sample. (c) Other articles of food, Rs. 20 per sample. Note Forty per cent, of the fees received from private persons should be credited to government and the remainder 60 per cent, should be allowed to the office concerned, who may share the amount with his assistants and subordinates in such manner as he considers equitable.

8. Fees Payable To Public Analyst For Attending Court :-

The fees payable to a public analyst for attending a court shall be rs.10 per day in every cases plus usual allowances admissible under the Bombay civil services rules, which shall be payable by the party requiring the attendance of the public analyst in a court. The party shall in advance deposit in a court the necessary amount payable to the public analyst and the court will pay the fees to the public analyst.

SCHEDULE 1

Form A

SCHEDULE 2

Form B

SCHEDULE 3

Appendix A(1)

Scale of fees for (a) carrying on the trade or business of importer or seller or hawker o milk and milk products, such as, curds made of whole milk, and/or cream and/or skimmed milk and/or separated milk (b) for using the premises for sale of milk and milk product: such as, curds made of whole milk, cream khoya or skimmed milk and separated milk.

Quantity	In the area of local Bodies with 50,000 and over	population of between 50,000 and 10,000	Less than 10,000
1. Milk:- (whole/skimmed/separated):-			
(a)(i) Up to 18 litres per day	Free	Free	Free
(ii) Over 18 litres upto 51 litres per day	4.50	3.00	2.00
(ii) Over 51 litres per day	7.50	4.00	3.00
(b)(i) Up to 17 litres per day	Free	Free	Free

(ii) Over 17 litres upto 51 litres per day	7.50	5.00	4.00
(iii) Over 51 litres per day	15.00	8.00	6.00
2. Milk products, such as, curds, cream or khoya, etc.			
(a)(i) Up to 18 kgs. Per day	Free	Free	Free
(ii) Over 11 kgs. Upto 51 kgs per day	4.50	3.00	2.00
(iii) Over 51 kgs. Per day	7.50	4.00	3.00
(b)(i) Up to 17 kgs. Per day	Free	Free	Free
(ii) Over 17 kgs. Upto to 51 kgs. Per day	7.50	5.00	4.00
(iii) Over 51 kgs. Per day	15.00	8.00	6.00

Note:- Subject to a proportionate amount being charged for broken periods:-

(i) for 3 months and under, one fourth of the whole fees for the year, (ii) over 3 months and not exceeding 6 months, half of the whole fee for the years; (hi) over 6 months and not exceeding 9 months, three-fourths of the whole fees for the year; (iv) over 9 months, whole fees for the year.

SCHEDULE 4

Appendix A(2)

Scales of fees chargeable for carrying on within municipal corporation limits of trade or business of a dealer (including an importer, seller or hawker) in cooked food at fixed premises, whether or not the same is consumed at such premises, (e) spices and condiments, (f) margarine, (g) vasa or charbi (h) for manufacturing, packing, cleaning and cleansing or preparing by any process whatever for sale, stock, distribution, exhibition for sale, any aerated waters, ice-cream, ice-candies, and milk candies (/) for manufacturing, selling, stocking, distributing or exhibiting for sale of articles made out of flours including biscuits and other bakery products.

1. (a) butter:-	Rs.	Rs.	Rs.
(i) Any quantity upto 10 kgms. Per day	Free	Free	Free
(ii) Over 10 kgms. Upto 51 kgms. Per day	5.00	5.00	5.00
(iii) Over 51 kgms. Upto 254 kgms. Per day	10.00	10.00	5.00
(iv) Over 254 kgms. Upto metric ton per day	15.00	15.00	10.00
(v) Over 1 metric ton upto 3 metric tons per day	30.00	30.00	15.00
(vi) over 3 metric tons upto 5 metric tons per day	40.00	30.00	15.00
(vii) over 5 metric tons	60.00	40.00	20.00
(b) ghee:-			
(i) Any quantity upto 51 kgms. Per day	Free	Free	Free
(ii) Over 51 kgms. Upto to 254 kgms per day	10.00	10.00	5.00
(iii) Over 254 kgms upto 1 metric ton per day	15.00	15.00	8.00
(iv) over 1 metric ton upto 3 metric tons per day	30.00	20.00	10.00
(v) over 3 metric tons upto 5 metric tons per day	40.00	30.00	15.00
(vi) Over 5 metric tons per day.	60.00	30.00	15.00

For the purpose of wholesale business of sale or purchase or supply of butter and ghee a quantity of butter and ghee 2 cwt. Or more at one time is taken as basis for enforcing license for wholesale business under section 24(2)(b) of the prevention of

food adulteration act, 1954 and rules there under.

(c) edible oil and vegetable oil product:-	Rs.	Rs.	Rs.
(i) Any quantity upto 102 kgms. Per day	2.00	1.00	1.00
(ii) Over 102 kgms. Upto 508 kgms. Per day	5.00	3.00	2.00
(iii) over 508 kgms. Upto 1 metric ton per day	10.00	5.00	4.00
(iv) over 1 metric ton to 3 metric tons per day	15.00	10.00	10.00
(v) over 3 metric tons to 5 metric tons per day	20.00	15.00	15.00
(vi) over 5 tons per day	40.00	25.00	15.00

For the purpose of wholesale business of sale or purchase or supply of edible vegetable oil or vegetable oil product, separately quantity of edible vegetable oil or vegetable oil product exceeding 102 kgms, at one time is taken as basis for enforcing the license under section 24(2)(t) of the prevention of food adulteration act, 1954, and rules there under. The license fees show at (a)(b)(c) above are on yearly basis and fees should be charged on the actual sale of the previous year.

(d) Sweetmeat or cooked food sold at fixed premises whether or consumption at such premises or not if the area of the said premises is:-

	Rs.	Rs.	Rs.
(i) upto 19 sq. Meters	10.00	10.00	5.00
(ii) over 19 sq. Metres up to 46 sq. Metres	25.00	20.00	10.00
(iii) over 46 sq. Metres up to 93 sq. Metres	40.00	25.00	15.00
(iv) over 93 sq. Metres up to 132 sq. Metres	60.00	30.00	20.00
(v) over 132 sq. Metres or every additional 46 sq. Metres or under	Extra subject to the Maximum Of Rs.250	Extra subject to the Maximum Of Rs.75	Extra subject to the Maximum of Rs.40

(e) spices and condiments:-			
(i) Any quantity upto 3 kgms. Per day	Free	Free	Free
(ii) Over 3 kgms. Upto 51 kgms. Per day	5.00	5.00	3.00
(iii) Over 51 kgms. Upto 254 kgms. Per day	10.00	10.00	5.00
(iv) Over 254 kgms. Upto 1 metric ton per day	15.00	15.00	10.00
(v) Over 1 metric ton to 3 metric tons per day	30.00	30.00	15.00
(vi) over 3 metric tons to 5 metric tons per day	40.00	30.00	15.00
(vii) over 5 metric tons per day	60.00	40.00	20.00

For the purpose of wholesale business of sale or purchase of or supply of spices and condiments, a quantity of spices and condiments 10 kgms, or more at one time is taken as basis for enforcing license or wholesale business under section 2a(2)(b) of the prevention of food adulteration act, 1954 and rules thereunder.

(f) margarine:-	Rs.	Rs.	Rs.

(i) Any quantity upto 3 kgms. Per day	Free	Free	Free
(ii) Over 3 kgms. Upto 51 kgms. Per day	5.00	5.00	3.00
(iii) Over 51 kgms. Upto 254 kgms. Per day	10.00	10.00	5.00
(iv) Over 254 kgms- upto 1 metric ton per day	15.00	15.00	10.00
(v) Over metric ton to 3 metric tons per day	40.00	30.00	15.00
(vi) over 3 metric tons to 5 metric tons per day	40.00	30.00	15.00
(vii) over 5 metric tons per day	60.00	40.00	20.00
(g) vasa and charbi:-			
(i) Any quantity upto 3 kgms. Per day	Free	Free	Free
(ii) Over 3 kgms. To 51 kgms. Per day	5.00	5.00	3.00
(iii) Over 51 kgms. To 254 kgms. Per day	10.00	10.00	5.00
(iv) Over 254 kgms. To 1 metric ton per day	15.00	10.00	10.00
(v) over 1 metric ton to 3 metric tons per day	30.00	30.00	15.00
(vi) over 3 metric tons to 5 metric tons per day	40.00	30.00	15.00
(vii) over 5 metric tons per day	60.00	40.00	20.00

For the purpose of wholesale business of sale or purchase of or supply of margarine and vasa or charbi, quantity margarine and vasa and charbi 2 cwt. Or more, at one time is taken as basis for enforcing license for wholesale business under section 24(2)(i) of the prevention of food adulteration act, 1954 and rules there under.

2. (i) aerated waters, ice-cream, icecandies, Milk candies, if the premises where manufactured, Sold, stocked, etc consist of an area which is up to 19 sq. Metres	Rs. 10.00	Rs. 10.00	Rs. 5.00
(ii) over 19 sq. Metres below 37 sq. Metres	20.00	15.00	10.00
(iii) over 37 sq. Metres below 74 sq. Metres	40.00	20.00	15.00
(iv) over 74 sq. Metres and below 112 sq. Metres	66.00	40.00	20.00
(v) over 112 sq. Metres and below 149 sq. Metres	80.00	60.00	30.00
(vi) over 149 sq. Metres and below 186 sq. Metres	100.00	80.00	40.00
(vii) over 186 sq. Metres of every additional 46 sq. Metres	10.00 Extra Subject to a maximum of Rs.200	5.00 Extra Subject To a maximum of Rs. 100	5.00 Extra subject to a maximum of Rs. 50.
3. Biscuits and bakery products in the premises including baking houses and bakery shops where manufactured, sold, stocked, etc., consist of an area which is:-			
	Rs.	Rs.	Rs.
(i) up to 19 sq. Metres	10.00	10.00	5.00
(ii) over 19 sq. Metres And below 37 sq. Metres	20.00	15.00	10.00

(iii) over 37 sq. Metres and below 65 sq. Metres	30.00	20.00	10.00
(iv) over 65 sq. Metres and below 93 sq. Metres	40.00	20.00	15.00
(v) over 93 sq. Metres and below 1439 sq. Metres	60.00	30.00	15.00
(vi) over 139 sq. Metres and below 186 sq. Metres	80.00	40.00	20.00
(vii) above 186 sq. Metres for every additional 37 sq. Metres	10.00 extra subject to a Maximum of Rs. 200.	5.00 extra subject to a Maximum of Rs. 100	5.00 extra subject to a Maximum of Rs. 50.

SCHEDULE 5

Appendix A(3)

Scale of fees for using the premises for carrying on the wholesale business or manufacturing or preparing of ghee, butter, vasa or charbi, margarine, edible vegetable oils, powdered spices, condiments and curry powder.

Sl. No.	Purpose of license	Corporation area and Borough Municipalities	Cantonment Area and District Municipalities	Notified Area and Other local Areas
		Rs.	Rs.	Rs.
1.	For using the premises for carrying on the wholesale business of sale, purchase or supply of ghee	30	20	10
2.	For using the premises for carrying on the manufacture or preparation of ghee for the purpose of trade	30	20	10
3.	For using the premises for carrying on the wholesale business of sale, purchase or supply of butter	30	20	10
4.	For using the premises for carrying on the manufacture or preparation of butter for the purposes of trade	30	20	10
5.	For using the premises for carrying on the wholesale business of	30	20	10

	sale, purchase or supply of vasa or charbi			
6.	For using the premises for manufacturing, cleaning, cleansing, melting or preparing vasa or charbi by any purpose of trade	30	20	10
7.	For using the premises for carrying on the wholesale business of sale, purchase or supply of margarine	30	20	10
8.	For using the premises for Manufacturing or preparing Margarine for the purpose of trade	30	20	10
9.	For using the premises for carrying On the whole sale business of sale, Purchase or supply of edible Vegetable or vegetable oil produce	30	20	10
10.	For using the premises for Manufacturing, packing dressing, Cleaning, cleansing, melting or Preparation of edible vegetable oils By any process whatever for the Purpose of trade			
	(i)when expellers are used per Unit	50	25	15
	(ii)when rotary ghanas re used per Unit	8	8	8
	(iii) when country oil ghana (driven by animals is, used per Unit)	1	1	1
11.	For using the premises for carrying On the wholesale business of sale, Purchase or supply of powdered Spices, condiments or curry Powder	30	20	10
12.	For using the premises for Manufacturing packing, or Repairing by any or repairing by Any process of powdered spices, Condiments, or curry powder for The purpose of trade By	30	20	10

	mechanical powers By hand operations			
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