

Maharashtra Prevention Of Food Adulteration Rules, 1962

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Maharashtra Prevention Of Food Adulteration Rules, 1962

In exercise of the powers conferred by section 24 of the prevention of food adulteration act, 1954 (37 of 1954) and of all other powers enabling it in this behalf and in supersession of all rules made in this behalf under the corresponding laws repealed by section 25 of the said act and still in force, the government of Maharashtra, after consultation with the central committee for food standards, hereby makes the following rules, namely:-

1. Short Title And Extent :-

- (1) These rules may be called the Maharashtra Prevention of Food Adulteration Rules, 1962.
- (2) They extend to the whole of the state of Maharashtra. Footnote: 1. Vide Noti. No. PFA 1061-d, dated 26-4-1968.

2. Definitions :-

In these rules, unless the context requires otherwise:-

- (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 the duties of a health officer; 1 [(d) "manufacturer" means a person engaged in manufacturing any article of food for the purposes of trade;]

(e) "Retail dealer" means a dealer in any article of food, other than a wholesale dealer;

(f) "Section" means a section of the act;

(g) "wholesale dealer" means a person engaged in the business of sale or storage for sale or distribution of any article of food, for the purposes of re-sale. Footnote:- 1. Substituted by noti. No. PFaA1063-d, dated 15-7-1966.

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

(1) The director of public health for the state of Maharashtra 2[(being the chief officer-incharge of the health administration in the state of Maharashtra shall be the food (health) authority (hereinafter referred to as the authority).]

(2) The authority shall be responsible for the general superintendent 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 a local authority all such directions as it may consider necessary in regard to any matter connected with the enforcement of the act and the 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 in 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.

3A. A Local Authority In Case Of Block :-

. The joint commissioner, food and drug. Administration, Maharashtra state, shall be the local authority in the case of local area comprised in each block constituted under section 3 of the Maharashtra zila parishads and panchayat samitis act, 1961.

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 area 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 purposes of this act, and they shall exercise powers within such local areas as it may assign to them, with the approval of the authority.

(4) The local authority shall appoint such officers as it thinks fit to be licensing authorities within its jurisdiction for the purpose of clause (b) of sub-section (2) of section 24 of the act.

(5) A local authority which maintains its own laboratory may appoint persons possessing qualifications prescribed under the central rules in such numbers as it thinks fit to be public analysts for the purposes of the act for such area within its jurisdiction as it may specify, in consultation with the food health authority.

5. Licenses :-

(1) Any person desiring for the manufacture for sale, for the storage or the sale or the distribution or articles for food in respect of which a license is required under rule 50 of the central rules shall apply for a license in form a to the licensing authorities appointed by the local authority. 1 [(2) The applicant shall furnish in the application in form a, detailed information regarding location of the business premises which are intended for the manufacture for sale, for the storage or for the sale or for distribution of any article of food.] 2 [(3) On receipt of such application the licensing authority shall if on inspecting the said premises is satisfied that the premises are free from sanitary defects and the applicant complies with other conditions for holding license, grant the applicant a license in form b on payment of fees laid down in appendix I, appendix II 3 [appendix III or appendix iv] in the schedule.]

(4)(1) A license granted or renewed under these rules unless suspended or cancelled earlier, shall be valid (up to 31 st December, of the fifth year calculated from the year of grant of such license or its renewal:-

Provided that if the application for renewal of the license is made before the, date of expiry of the license together with fees as prescribed in appendix I, Appendix II, 4 [appendix III or appendix iv], as the case may be, in the schedule or where such application is made after, the date of such expiry but within a period of six calendar months from the date of such expiry, together with renewal fees and the appropriate amount of late fees prescribed in appendix I, appendix II, 5 [appendix iii or appendix iv], as the case may be, in the schedule, the license shall be deemed to be in force from the date of its expiry till the orders renewing it or to the contrary, as the case may be, are passed on the application.]

(4-A) A license granted under this rule may be renewed by the licensing authority on an application made in that behalf (within a period of) thirty days before the day on which such license is due to expire and on payment of fees laid down in appendix I and appendix II 5[appendix iii or appendix iv] in the schedule:

(5) The licensee shall abide by the provisions of the act and the rules made there under, and the conditions of the license granted to him. The licensing authority may suspend or cancel 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 6[or to renew] 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, 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 sub-rule

(5) may within thirty days from the date of receipt of the order by him, appeal to the authority. The memorandum of appeal shall be accompanied by a copy of the order appealed against. It shall state clearly the ground or grounds on which the appeal is made.

(8) No holder of a license shall be entitled to any compensation for cancellation or suspension of license nor to a refund of any fee paid in respect thereof.

(9) Where, at any time, a license granted or renewed under this rule is lost, destroyed or defaced, and an application is made by the licensee for the issue of a duplicate, the licensing authority shall issue a duplicate license in form-b, which shall be clearly stamped "duplicate" in red ink and shall be marked with date of issue. The fee payable (in cash) for such duplicate license shall be two rupees.

Footnote:-

1. Substituted by noti. No. PFA 1063-d, dated 15-7-1966.
2. Substituted by noti. No. PFA 1063-d, dated 15-7-1966.
3. Substituted by noti. No. PFA 1101/cr-272-d. G-2, dated 31-12-2001.
4. Substituted by noti. No. PFA11c1/cr-272d, g-2, dated 31-12-2001.
5. Inserted by noti. No. PFA 1377/689-10, dated 30-9-1978 (w.e.f. 2-11-1978).

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

(1) For the purpose 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 Name and address of the license holder..... Address of premises..... Number and date of license..... Operations carried out..... Subsequent pages:- Receipt

Serial	Date	Nature of substance	Descriptive mark	Quantity manufactured, prepared purchased or received	
1	2	3	4	5	
Disposal					
Date of sale	Brand of article	Quantity sold	Balance	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 seeds purchased	Total quantity of Oil manufactured Prepared, purchased Or received	Total quantity of oil seeds	Remarks

(1)	(2)	(3)	(4)	(5)	(6)
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(2) Such register shall be maintained in the form of a permanently bound and serially paged register and kept open for inspection at the place in respect (of the licensing authority or any officer authorized by it.

7. Fees For Analysing Of Articles Of Food :-

The following fees shall be payable for analysing the articles of food in government public health laboratories at Poona, the regional 1 [food laboratory], Amravati and at the public health laboratory, Nagpur.

(1)(a) For local authorities:-at a uniform rate of Rs. 4 per sample for each article of food analysed, subject to their paying the minimum c contribution per annum as shown below:- Rs. Samples (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 not more than 30,000 240 For 60

(iv) for towns with a population of more than 30,000 but not more than 40,000 320 For 60

(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 samples from its area are analysed in its laboratories by its public analysts.

(2) for private persons-

(a) milk, butter and ghee-Rs. 3 per sample.

(b) edible oils and 8[fats]-Rs. 5 per sample.

(c) other articles of food- 2 [Rs. 10] per sample. Note Forty per cent of the fees received from private persons shall be credited to government and the remainder 60 per cent should be allowed to the officer concerned, who may share the amount with his assistants and subordinates in such manner as he considers equitable. Footnote:- 1. Substituted by noti. No. PFA 1063-d, dated 15-7-1966. 2. Substituted by noti. No. PFA 1063-d, dated 15-7-1966.

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 case, plus the usual allowance admissible under the Bombay civil services rules. The party requiring the attendances of the public analyst in court shall deposit such fees in advance in the court and the court will pay the fees to the public analyst.

9. Payment Of Fines To Local Authorities :-

The whole or part of the fines imposed under the act shall on realizations to be paid to the local authority concerned in accordance with the instructions laid down in government resolution, home department, no. 792/4, dated 1st march, 1943.

Form A

Form of application (See rule 5) To The licensing officer, *Municipality/ *Corporation /*Local authority of

I(name).....age.....sex...

..... address.....apply for a license under the provisions of the prevention of food adulteration Act, 1954, and the rules made there under for the manufacture of sale/for sale*/storage for Sale, distribution of**.....within the limits of the

.....**Municipality/ *Corporation/local authority of.....in the premises (address of the Place).....measuring.....square metres. My annual

turnover is of Rs..... I shall abide by the prevention of food adulteration act, 1954, and the rules made there under and carry on the aforesaid trade, subject to restriction and condition imposed by the license granted to me. The amount of Rs.....for the fees or the license, as per appendix (1) or appendix (2) Or both, as the case may be, in the schedule to the Maharashtra prevention of food adulteration rules, 1962, is enclosed. In my absence Shri/Smt.....age.....address shall conduct

The aforesaid business. The statements made above are true to the best of my knowledge and belief and if anything is found to be false or not true, the license shall be liable to be cancelled.

Date..... Applicants signature *The words which are not necessary may be struck out. **Note:-The applicant shall attach his passport size photo copies in triplicate. (this applies to itinerant vendors or hawkers).

FORM 2

Form B

Form of license [see rule 5(3)] No.....20 License for the manufacture for sale/ for storage or distribution of*** Shri..... residing

at.....is hereby given a license for the Manufacture for sale/storage, distribution of*.....(hereafter Referred to as the licensed article(s)).....Situated.....

.....(hereinafter referred to as "the said premises), subject to the Provisions of the prevention of food adulteration act, 1954, and the rules made there under, including the prevention of food adulteration rules, 1955, and the following conditions, namely:- 1. The licensee and his servants shall, on being requested by any food inspector or the licensing authority or a health officer, furnish full particulars about the person from whom And place from which the*.....which he manufactures, stores, distributes, exposes or Offers for sale is obtained. 2. In the case imported constituents of any article of food, the licensee shall obtain the necessary, warranty, and on demand shall produce il for inspection by the licensing authority or a health officer. 3. The licensee, shall not, at any time during the currency of this license manufacture, sell, store, or distribute in the said premises any**..... 4.

(a) the licensee shall cause every part of the internal surface of walls and ceiling of the kitchen and every room in which*. *The words which are not necessary may be struck out. **here insert articles mentioned in clause (a) or clause (b) below or both, as the case may require, in the case of a license granted to manufacturer.

(a) Vanaspati, edible oils, margarine, and vasa or charbi, in the case the license is for ghee or both.

(b) non-edible oils, vasa or charbi, and parafin, in case the license is for edible vanaspati oils, or both. ***Here specify article for which license is applied for.is manufactured (hereinafter referred to as "the operation room") by him to be thoroughly white-washed at least once in every year, or at such shorter interval, as the person authorized to inspect may require. Where the premises are oil-painted, all such premises except the operation room, shall be repainted once in five years.

(c) the licensee shall also cause the floor of every such room or place to be paved so as to ensure its effectual cleansing and washing.

(d) the licensee shall also cause the floor and drain of every such room or place and every counter-shelf or bench on which vessels containing the licensed articles are kept to be thoroughly cleansed daily. 2 5. The licensee shall cause every vessel used in the distribution of the licensed articles to be rinsed with boiling water by thoroughly cleansing them before and after use. 3 6. The licensee shall not use any water for drinking, washing and cleansing of vessels, except water drawn from the municipal main or from a source which is previously approved by the health officer concerned or the local authority. 4 7. Any counters or tables used for keeping vessels for

the manufacture, sale, storage or distribution shall be covered with zinc sheets or other suitable impervious material, so as to be easily washed and cleaned. 5 8. The licensee shall have his name and address clearly marked upon all vehicles, vessels, receptacles and other article used by him for carrying on the business of..... 6 9. The internal surface or walls of the said premises shall be rendered smooth and impervious to a height of one meter with glazed tiles or cement. In places where such facilities are not existing, the licensing authority shall decide what reasonable time may be given to comply with the condition. 7 10. The licensee shall not, any time, knowingly mix with other milk, or sell or use for human food the milk, of any cow or buffalo, which is suffering from tuberculosis, rinderpest, foot and mouth disease or from any disease of the udder. 8 11. The licensee shall clearly indicate on every can or contained of milk as to whether it contains milk of cow, buffalo or goat or skim milk. 9 12. The licensee shall not at any time:-

(a) mix milk of cow with that of buffalo or goat and vice versa, or

(b) sell, store, distribute or exhibit for sale such mixed milk. 13. The licensee shall not keep or permit to be kept outside the said premises or on the public road or street any vessels used or intended to be used or containing the licensed article(s). 14. The license is not transferable without the written permission of the licensing authority and is valid only for the said premises. 15. The licensee shall, at all times, on demand by the authority or any food inspector produce his license for inspection. 16. If the licensee employs any servant for the purpose of any outdoor job in connection with his trade, he shall provide such servant with a distinctive badge to enable any food inspector to recognize him as an employee of the licensee. The licensee shall also provide other servants distinctive badges or with an authority to indicate that he is an employee of the licensee and such employee shall produce it for inspection on demand by any food inspector. 17. The licensee shall at all time during the continuance of his license, be responsible for the due fulfillment and observance of all the foregoing condition of this license and in case of any infringement or neglect or failure on the part of the licensee or of any other person employed or having any interest in the business to fulfill or observe any of the said conditions, his license shall be liable to be cancelled or suspended. Place.....

..... Date..... Licensing authority Footnote:- 1. Substituted by noti. No. Pfa 1063-d, dated 15-7-1966. 2. This condition applied to milk, milk products, eating-houses and hotels. 3. This condition applied to milk, milk products, eating-houses and hotels. 4. This condition applied to milk, milk products, eating-houses and hotels 5. This condition applies to an itinerant vendor or hawker. 6. This condition applies in relation to milk, milk products and oils. 7. This condition applies to milk vendors only. 8. This condition applies to milk vendors only. 9. This condition applied to milk, milk products, eating-houses and hotels Endorsement on the reverse of license This license is renewed for the period commencing on.....20.....and ending On.....20.....subject to the following conditions, that is to say. (here state conditions; if same conditions, then state accordingly. If any change, then specify the changed conditions). Licensing authority Place..... Date.....

APPENDIX 1

Appendix I

(See sub-rules (3) and (4-a) of rule 5) Mpfa licensing fee for 5 years (large scale) (investment above rs. 1 crore to 1000 crore) manufacturer and packer

Sl.No.	Category	Fresh/R enewal Fee	Late fee per month upto six month	Inspec tion
(1)	(2)	(3)	(4)	(5)
1.	Sugar factories	20000	4000	400
2.	Edible oils vanaspati/fat spreads/ Bakery shortening	6000	1200	400
3.	Margarine	4500	900	400
4.	Powdered spices/condiments	3000	600	400
5.	Bakery products /confectionery	5000	1000	400
6.	Milk dairies (processed)	6000	1200	400
7.	Ice-cream/kulfi/frozen desert	6000	1200	400

8.	Baby foods/infant milk substitute	10000	2000	400
9.	Food supplements/nutritional foods	6000	1200	400
10.	Milk powder (all varieties)	9000	1800	400
11.	Tobacco products/gutkha	6000	1200	400
12.	Mineral water/package drinking Water	12000	2400	400
13.	Panmasala/scentedsupari/mukhwas	6000	1200	400
14.	Non-alcoholic beverages	6000	1200	400
15.	Alcoholic beverages	12000	2400	400
16.	Hing	6000	1200	400
17.	Tea/coffee/cocoa	6000	1200	400
18.	Irradiated food	12000	2400	400
19.	Artificial sweetner	9000	1800	400
20.	Food flour preparation flavours	10000	2000	400
21.	Food additives/stablizes emulsifiers/ Anti-oxidants anticaking agents/ Acidulates sequestering and Buffering agents.	7500	1500	400
22.	Liquid glucose	10000	2000	400
23.	Starch/starch products	12000	2400	400
24.	Papad/macaroni products	3000	600	400
25.	Iodised salt	12000	2400	400
26.	Edible common salt	3000	600	400
27.	Food grain processors (dal mills)	9000	1800	400
28.	Roller flour mills	10000	2000	400
29.	Besan mills	10000	2000	400
30.	Hotels	2500	500	400
31.	Proprietary foods	6000	1200	400
32.	Canned Food Products	10000	2000	400
33.	Synthetic Sarbats and Concentrates	10000	2000	400
34.	Sea and Marine food	10000	2000	400
35.	Frozen packed Food	10000	2000	400
36.	Miscellaneous	6000	1200	400

Footnote:- 1. Substituted by noti. No. Pfa1101 /cr-272-d. G-2, dated 31-12-2001.

APPENDIX 2

Appendix II

Mpfa Licensing Fee For 5 Years (Small Scale) (Investment Above Rs. 25 LacksTo 1 Crore)
Manufacturer And Packer

Sl. No.	Category	Fresh/Re newal fee	Late fee per month upto six month	Inspecti on fee
(1)	(2)	(3)	(4)	(5)
		Rs.	Rs.	Rs.
1.	Powdered Spices/Condiments	1500	300	200
2.	Bakery Products/Confectionery	2500	500	200
3.	Ice-cream/Kulfi/Frozen Deserts	3000	600	200
4.	Iceondy	1500	300	200
5.	Tea/Coffee/Cocoa	3000	600	200
6.	Sweet-meet/Farsan/Chikki	2000	400	200
7.	Honey	2000	400	200
8.	Macroni Products/Papad	2000	400	200
9.	Silver Leaf (Food grade)	1500	300	200
10.	Milk and Milk Products (Dahi/	1500	300	200

11.	Butter/Ghee, etc.) Proprietary Foods	3000	600	200
12.	Edible Oils/ Vanaspati /Fat Spreads/Bakery Shortening	3000	600	200
13.	Margarine	2250	450	200
14.	Milk Dairies (Processed)	3000	600	200
15.	Bhagar/Rice/Phoha Mill	1500	300	200
16.	Food Supplements / Nutritional Foods	3000	600	200
17.	Milk Powder (All varieties)	4500	900	200
18.	Khandsari Mill	2500	500	200
19.	Tobacco/Tobacco Product/Gutkha	4000	800	200
20.	Mineral Water/Packaged Drinking Water	6000	1200	200
21.	Sugar Mill	10000	2000	200
22.	Pan Masala/Scented Supari/ Mukhwas	3000	600	200
23.	Non-alcoholic Beverages	3000	600	200
24.	Caterers	3000	600	200
25.	Alcoholic Beverages	6000	1200	200
26.	Hing	3000	600	200
27.	Irradiated Food	6000	1200	200
28.	Artificial Sweetner	4500	900	200
29.	Starch/Starch Products	6000	1200	200
30.	Iodised Salt	6000	1200	200
31.	Edible Common Salt	1500	300	200
32.	Food Grain Processors (Dal Mills)	4500	900	200
33.	Food Colour Preparations/Flavour	5000	1000	200
34.	BesanMill	5000	1000	200
35.	Hotel	1250	250	200
36.	Canned Food Products.	5000	1000	200
37.	Baby Food/Infant Milk Substitute	5000	1000	200
38.	Synthetic Sarbats and concentrates	5000	1000	200
39.	Sea and Marine Food	5000	1000	200
40.	Frozen Food Products	5000	1000	200
41.	Roller Flour Mill	5000	1000	200
42.	Miscellaneous	3000	600	200

APPENDIX 3

Appendix III

MPFA Licensing Fee For 5 Years (Tiny Scale) (Investments Upto Rs. 25 Lakhs) Manufacturer and packer

1. Powdered Spices/Conditments 1000 200 100
2. Bakery Products/Confectionery 1000 200 100
3. Ice-cream/Kulfi/frozen desserts 2000 400 100
4. Ice-candy 1000 200 100
5. Tea/Coffee/Cocoa 2000 400 100
6. Sweet-meet/Farsan/Chikki 1500 300 100
7. Honey 1500 300 100
8. Macorani Products/Papad 1500 300 100
9. Silver Leaf (Foodgrade) 1000 200 100
10. Milk Dairies and Milk Products Dahi/Butter/Ghee, etc.) 1000 200 100
11. Proprietary Foods 2000 400 100
12. Edible Oils Vanaspati/Fat Spreads/ Bakery Shortening 2000 400 100
13. Margarine 1500 300 100
14. Milk Dairies (Processed) 2000 400 100
15. Bhagar/Rice/Phoha Mill 1000 200 100
16. Food Supplements/Nutritional foods 2000 400 100
17. Milk Powder (all varieties) 3000 600 100
18. Tobacco/Tobacco Products 2000 400 100
19. Gutkha 4000 800 100
20. Mineral

