

## **Madras Prevention Of Food Adulteration Rules, 1961**

### CONTENTS

1. Section 1
2. In These Rules
3. Section 3
4. Section 4
5. Section 5
6. Section 6
7. Section 7
8. Section 8
9. Section 9
10. Section 10
11. Section 11
12. Section 12
13. Section 13
14. Section 14
15. Section 15
16. Section 16
17. Section 17
18. Section 18
19. Section 19
20. Section 20

**FORM 1 :-** Form A

**FORM 2 :-** Form B

**APPENDIX 1 :-** Annexure I

## **Madras Prevention Of Food Adulteration Rules, 1961**

### **1. Section 1 :-**

These rules may be called the Madras Prevention of Food Adulteration Rules, 1961, and they shall come into force on and from the 1st July, 1961. Footnote:- 1. Vide g.o.ms. No. 1752/health, dated 18-7-1961.

### **2. In These Rules :-**

- (a) "Act" means the prevention of food adulteration act, 1954 (central act 37 of 1954);
- (b) "Executive authority" means:-

- (i) In the city of madras, the commissioner of the corporation of madras;
- (ii) In a municipality, the commissioner of the municipality;
- (iii) In a Panchayat town, the executive authority of the Panchayat town concerned;
- (iv) In a Panchayat village, the commissioner of the Panchayat union concerned;
- (v) In a township, the executive authority of the township concerned;
- (c) "Government" means the 1 [government of Tamil Nadu];
- (d) "local authority" in respect of any area which is comprised within the jurisdiction of a village Panchayat constituted under the madras Panchayat act, 1958 (madras act xxxv of 1958), means the Panchayat union council concerned; in respect of any area which is comprised within the jurisdiction of a town Panchayat constituted under the said act means the town Panchayat concerned; and in respect of any township means the township committee concerned;
- (e) "Manufacturer" means a person who manufactures any article of food in bulk or who produces any article of food in a factory (as defined in the factories act, 1948 (central act lxiii of 1948), for sale to a wholesale dealer or retail dealer;
- (f) "Wholesale dealer" means a person who sells food stuffs to dealers in food stuffs for the purpose of trade;
- (g) "Retail dealer" means any person who sells or keeps for sale the foodstuffs for the purpose of consumption by the person by whom or on whose behalf it is or may be purchased. Footnote:- 1. Substituted by g.o.ms. No. 2255/health, dated 7-9-1973.

### **3. Section 3 :-**

The government may, by notification and subject to any restrictions, limitations and conditions specified therein authorize any person by name or by virtue of his office or authority subordinate to the or any local authority specifically or local authorities generally to exercise any one or more of the powers and functions conferred by the act on the government or the food (health) authority and may in like manner withdraw such authorization.

### **4. Section 4 :-**

The food (health) authority shall have power to inspect, control and superintend the operations of the local authorities under the act and the rules thereunder.

**5. Section 5 :-**

The food (health) authority may, subject to any restrictions, limitations and conditions specified by the government, authorize any person by name or by virtue of his office to exercise any one or more of the powers vested in him under these rules and may in like manner withdraw such authorization.

**6. Section 6 :-**

The food (health) authority may from time to time as occasion requires recommend for adoption by any of local authority such measures as may be necessary for the purpose of giving effect to the provisions of the act and the rules thereunder and local authority may, and if so required by the food (health) authority shall, from time to time adopt such measures: Provided that if for any reason any local authority is unable to carry out such measures or if there is any difference of opinion between the food (health) authority and the local authority, the matter shall be referred to the government whose decision shall be final.

**7. Section 7 :-**

The expenses incurred in connection with the cost of purchasing, sampling equipment, cost of purchasing samples, the cost of their packing and transmission and any other incidental expenses incurred in sampling and purchasing shall be payable by the local authority concerned.

**8. Section 8 :-**

If in the opinion of the government, any local authority has defaulted or is unable to do its duties under the act and the rules thereunder, the government may authorize by notification in the official gazette, any officer of the government to perform such duties and for that purpose to exercise all the powers of a local authority under the act and the rules thereunder in the local area concerned.

**9. Section 9 :-**

The government may fix the monthly quota of samples to be taken and sent for analysis by a food inspector from a local area.

**10. Section 10 :-**

The local authority shall pay to the government an annual fee calculated at seven rupees and fifty paise per sample taken under the act when the government provides laboratory facilities for the analysis.

**11. Section 11 :-**

The fee payable for samples of food analysed for purposes of section 12 of the act shall not be less than ten rupees per sample provided that the government analyst may at his discretion charge a higher fee depending upon the work involved, subject to a maximum of fifty rupees per sample.

**12. Section 12 :-**

(a) out of the fines imposed under the act, there shall be paid to the local authority within whose jurisdiction the offence was committed grants as laid down in clauses (b) and (c) below.

(b) in cases which do not involve analysis of samples by the public analyst, ten percent of the fine realized shall be retained by government towards the cost of administration of the act and the collection of fines and the remaining ninety per cent, shall be paid to the local authority referred to in clause (a).

(c) In cases which involve analysis of samples by the public analyst:-

(i) ten per cent of the fines realized shall be retained by the government towards the cost of administration of the act and the collection of fines;

(ii) if the remaining ninety per cent of fines realized is equal to or less than the annual fee paid to the government by the local authority under rule 10, such amount shall be paid to the said local authority as a grant; and

(iii) if the said ninety per cent is more than the annual fee paid to the government by the said local authority under rule 10, out of such excess over the annual fee, fifty per cent, shall be retained by the government and the balance of fifty per cent, together with an amount equal to the annual fee paid by the local authority shall be paid to the said local authority as a grant.

**13. Section 13 :-**

The executive authority shall be the authority competent to issue licenses under the act and these rules.

**14. Section 14 :-**

(1) every application for the issue or renewal of a license for the manufacture for sale, for the storage and for the distribution of articles of food for any specified article of food or class of articles of food shall be in form a and said to the executive authority.

(2) Every application for the renewal of a license shall be sent to the executive authority in duplicate before the date of expiry of the license together with the fee for the renewal of the license. On receipt of such application together with such fee, the licensing authority may renew the license.

(3) If the application for renewal is not made within the time specified in subrule

(2) but is made within one month from the date of expiry of the license, the license may be renewed only on payment of a fee of 50 per cent, in excess of the fee ordinarily payable for the renewal of the license.

(4) Where the application for renewal is made within the time specified in sub-rule (2) or sub-rule (3), the license shall continue to be in force until orders are passed on the application.

(5) The fees to be paid for the grant or renewal of a license shall be as specified in the table below:- Table

		Fresh license	Renewal
		Rs.	Rs.
1.	wholesale dealer and manufacturer	25	15
2.	Retail dealer with annual turnover of Rs. 5,000 and below	5	3
3.	Retail dealer with annual turnover of above		
4.	Rs. 5,000 and below Rs. 25,000	10	5
5.	Retail dealer with annual turnover of Rs. 25,000 and above	15	10
6.	hawkers	3	1

(6) A license granted under this rule shall be valid for a financial year and shall be renewed from financial year to financial year.

### **15. Section 15 :-**

If articles of food are manufactured for sale, stored or exhibited for sale, sold or distributed at more than one place, a separate application shall be made and a separate license shall be issued in respect of each such place: Provided that when a licensee changes his place of business during the period of license under rule 17(2), he shall intimate the fact in writing to the executive authority within thirty days of such change and get the license amended without payment of any additional license-fee on that account for the residue of the period covered by the license.

### **16. Section 16 :-**

(1) The executive authority receiving the application for the issue , or renewal of a license may if he is satisfied that the information furnished in the application is correct and complete and that the correct fee has been paid and that the applicant is eligible for the license applied for, grant or as the case may be, renew a license in form b annexed to these rules. If the information furnished in the application appears to be incorrect or incomplete, or if the prescribed fee has not been paid he shall make such enquiry as he considers necessary and after giving the applicant an opportunity of proving the correctness and completeness of the information so furnished may, if he is satisfied that the applicant is eligible for the license applied for, grant or renew the license.

(2) Where a license granted or renewed under these rules is lost or accidentally destroyed, or defaced, a duplicate of the license may be issued by the executive authority on payment of a fee of five rupees.

(3) Every license granted or renewed under these rules shall be deemed to have been issued personally to the licensee. No license shall be sold or transferred.

(4) the executive authority shall not grant or renew a license until such officer, as may be specified by him by general or special order, has inspected the place in respect of which the license is applied for and has recommended the grant or renewal of the license.

(5) The executive authority may be order in writing refuse to grant or renew a license if such authority is satisfied:-

(a) that the place in respect of which the license is applied for is not suitable for the purpose specified in the application or that is not free from, sanitary defects; or

(b) That the applicant has not complied with the provisions of the act and the rules thereunder; or

(c) That the applicant has made wilful default in complying with or knowingly acted in contravention of any requirement of the act or the rules thereunder; or

(d) That the applicant has been found guilty of an offence under chapter xvii or chapter xviii of the Indian penal code (xlv of 1860); or

(e) That the applicant has had his license cancelled within six months \ before the date of application.

(6) (a) the executive authority may, at any time, during the term of a license, cancel it or suspend its validity for any specified period, by any order! In writing whether or not the licensee is prosecuted under the act:

(i) If the licensee carries on his business in contravention of any of the provisions of the act or the rules thereunder or of the conditions of the license; or

(ii) If any reason for which the executive authority could have refused to grant the license to the licensee under sub-rule (5), is brought to the notice of that authority after the grant or renewal of the license.

(b) Before cancelling or suspending a license under clause (a) the executive authority shall give the licensee a notice in writing; stating that grounds on which it is proposed to take action and requiring him to show cause against such cancellation or suspension within such time as may be specified in the notice.

(7) any person aggrieved by an order of the executive authority under sub-rule (5) of sub-rule (6) may, within one month from the date of communication of such order to him appeal to the food (health) authority through the licensing authority with a copy of the order appealed against and stating clearly the grounds for such appeal. The orders of the food (health) authority on such appeal shall be final.

#### **17. Section 17 :-**

(1) every license shall cover one place of business only, that is to say, that number of rooms, godowns or space mentioned in the license.

(2) If the licensee desires to change his place of business during the period of license or to use any additional room, godown or space within the same place for the purpose for which he has obtained the license, he shall obtain the previous sanction of the executive authority.

#### **18. Section 18 :-**

If the licensee intends to close down his business in the licensed premises during the period of a license, he shall inform in writing the executive authority of it at least ten clear days prior to the date on which he actually closes the business.

#### **19. Section 19 :-**

The provisions of rules 49 and 50 of the prevention of food adulteration rules, 1955, issued by the central government relating to the conditions for the grant of licenses under the act are reproduced in the annexure to these rules.

#### **20. Section 20 :-**

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.

#### FORM 1

##### Form A

(Referred to in rule 14) Application for a license for the manufacture for sale of.....for the storage Of.....for the sale of.....for the distribution of.....under the Prevention of food adulteration act, 1954 (central act 37 of 1954). To, The licensing authority, Sir, I/we.....residing at.....Taluk.....district, request that i/we May be granted a license. (My/our) license no.....dated.....may be renewed for the year Ending the 31st march, 20.....For the manufacture for sale of.....For the storage of.....For the sale of.....For the distribution of..... 2. I /we desire to continue to carry on business at (address of place of business). 3. I/we enclose a receipt/cheque for Rs..... (In words).....only being fee For the issue/renewal of license. Signature of applicant(s) ..... Date.....

#### FORM 2

##### Form B

( R e f e r r e d t o in rule 16) License no.....dated.....Sri.....having paid a license Fee of Rs.....(in words) only is hereby granted a license:- For the manufacture for sale of.....For the s t o r a g e of.....For the sale of.....For the distribution of.....For the year ending the 31st march.....at.....subject to the provisions of the Prevention of food adulteration act, 1954 (central act 37 of 1954) and the rules made thereunder and to the following conditions:  
(Here enter conditions, if any) No correction in this license shall be valid unless ordered and attested by the licensing authority. Place..... Date..... Licensing authority Renewal of the license Date of renewal Year for which renewed Signature of the licensing authority

#### APPENDIX 1

##### Annexure I

Conditions for sale and license 49. Condition for sale:-

(1) every utensil or container used for manufacturing, preparing or containing any food or ingredient of food intended for sale shall be kept in all times in good order and repair and in a clean and sanitary condition. No such utensil or container shall be used for arty other purpose.

(2) No person shall use for manufacturing, preparing or storing any food or ingredient of food intended for sale, any utensil or container which is imperfectly enamelled or imperfectly tinned or which is made of such materials or is in such a state as to be likely to injure such food or render it noxious.

(3) Every utensil or container containing any food or ingredient of food intended for sale shall at all times be either provided with a tight-fitting cover; or kept closed or covered by a properly fitting lid or by a close-fitting cover of gauze, net or other material of a texture sufficiently fine to protect the food completely from dust, dirt and flies and other insects.

(4) No utensil or container used for the manufacture or preparation of, or containing any food or ingredient of food intended for sale shall be kept in any place in which such utensil or container is likely by reason of impure air or dust or any offensive, noxious or deleterious gas or substance or any noxious or injurious emanations, exhalation, or effluvium, to be contaminated and thereby render the food noxious.

(5) A utensil or container made of the following materials or metals, when used in the preparation of food, shall be deemed to render it unfit for human consumption:

(i) Containers which are rusty;

(ii) Enamelled containers which have become chipped and rusty;

(iii) Copper or brass containers which are not properly tinned; and

(iv) Containers made of aluminium containing an admixture of lead: Provided that utensils or containers made of copper though not properly tinned may be used for the preparation of sugar, confectionery or essential oils and mere use of such utensils or containers shall not be deemed to render sugar, confectionery or essential oils unfit for human consumption. 50. Conditions for license: -

(1) no person shall manufacture, sell, stock, distribute or exhibit for sale any of the following articles of food except under a license:

(a) Milk of all classes and designations.

(b) Milk products, such as, cream, malai, curd, skimmed milk, curd channa, skimmed milk channa, cheese, processed cheese, ice-cream, condensed milk, sweetened and unsweetened condensed skimmed milk, sweetened and unsweetened milk powder, skimmed milk powder, khoa, infant milk, deshi butter.

(c) Edible animal body fats, such as, beef fat, mutton fat, goat fat and lard.

(d) Edible vegetable oils.

(e) Edible fats including margarine.

(f) Pulses, grams, nuts, starches, sago, suji, flours, such as, maida, besan and articles made out of flour including bakery products.

(g) Beverages, such as, carbonate water, non-alcoholic.

(h) Tea, coffee, cocoa and chicory.

(i) Spices and condiments, whole or ground, including saffron, curry powder, mustard seed, asafetida and compounded asafetida.

(j) sweetening agents, such as, sugars, honey, gur or jaggery.

(k) Flavouring agents, anti-oxidants, emulsifying and stabilizing agents and preservatives permitted for use in food and food containers, wrappers.

(l) Artificial sweeteners.

(m) Confectionery, sweetmeats and savoury.

(n) ice-candies.

(o) Edible gelatine.

(p) Molasses.

(q) Copra.

(r) Silver leaf for human consumption.

(s) Meat or meat products and fish and fish products:- provided that the fruit products covered under the fruit products order, 1965 and vanaspati manufactured, stocked, sold or distributed by factories licensed for the purpose

shall be exempted from the above rules:-

(1) One license may be issued by the licensing authority for one or more articles of food.

(2) The state government or the local authority shall appoint licensing authorities.

(3) a licensing authority may, with the approval of the state government or the local authority, by an order in writing, delegate the power to sign licenses and such other powers as may be specified in the order to any other person under his control.

(4) If articles of food are manufactured, stored or exhibited for sale at more than one place, separate application shall be made, and a separate license shall be issued, in respect of each such place: Provided that this shall not apply to itinerant vendors who have no specified place of business and who will be licensed to conduct business in a particular area within the jurisdiction of the licensing authority.

(5) Before granting a license for manufacture, stock or exhibition of any of the articles food in respect of which a license is required, the licensing authority shall inspect the premises and satisfy itself that is free from sanitary defects. The applicant for the license shall have to make such alteration in the premises as may be required by the licensing authority for the grant of a license.

(6)[\*\*\*]

(7) proprietors of hotels and restaurants who sell or expose for sale savouries, sweets or other articles of food shall put up a notice-board containing separate lists of the articles which have been cooked in ghee, edible oils, hydrogenated vegetable oils and other fats for the information of the intending purchasers.

(8)[\*\*\*]

(9) No licensee shall employ in his work any person who is suffering from infectious, contagious or loathsome disease.

(10) No person shall manufacture, store or expose for sale or permit the sale of any article of food in any premises not effectively separated to the satisfaction of the licensing authority from any privy, urinal, sullage, drain or place of storage of foul and waste matter.

(11) All vessels used for the storage or manufacture of the articles intended for sale shall have proper cover to avoid contamination.

(12) every manufacturer (including ghani operator) or wholesale dealer in butter, ghee, hydrogenated vegetable oils and other fats shall maintain a register showing the quantity manufactured, received or sold and the destination of each consignment of the substances sent out from his manufactory or place of business, and shall present such register for inspection whenever required to do so by the licensing authority.

(13) An itinerant vendor granted a license under these rules shall carry a metallic badge showing clearly the license number and the nature of the article for sale of which the license has been granted.

(14) The nature of articles of food for the sale of which a license is required under these rules shall be mentioned in the application for license. Any objectionable, ambiguous or misleading trade name shall not be approved by the licensing authority.

(15) Every licensee who sells any food, shall display a notice-board containing the nature of the articles which he is exposing or offering for sale.