

Uttar Pradesh Prevention Of Food Adulteration Rules, 1976

[24 May 1976]

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Uttar Pradesh Prevention Of Food Adulteration Rules, 1976

[24 May 1976]

In exercise of the powers under sub-section (1) of section 24 of the Prevention of Food Adulteration Act, 1954 (37 of 1954) and, after consultation with the Central Committee for food Standards, constituted under section 3 of the said Act, and in supersession of all existing rules on the subject, the Governor is pleased to make the following rules, the same having been previously published under Notification No. 3961/XVI-2-825-57, dated 11th January, 1960 as required under sub-section (I) of the said section. Footnote:- 1. Vide Noti. No. 538/XVI-10-825-57, dated 24-5-1976.

1. Short title, extent and commencement :-

(1) These rules may be called the Uttar Pradesh Prevention of Food Adulteration Rules, 1976. (2) They extend to the whole of Uttar Pradesh and shall come into force with effect from the date of their publication in the Official Gazette.

2. Definitions :-

In these rules, unless the context otherwise requires:- (a) "Act" means the Prevention of Food Adulteration Act, 1954 (37 of 1954); (b) "Food (Health) Authority" means the Director of Medical and Health Services Uttar Pradesh; (c) "Food Inspector" means a person appointed by the State Government under section 9 or the Act, or by the Central Government under section 14 of the Act; (d) "Form" means a form set forth in Appendix A of these rules; (f) "Public

Analyst" means any person appointed by the State Government under section 8 of the Act; and (f) "Rules" means rules made under the Prevention of Food Adulteration Act, 1954, by the Central Government or by the State Government of Uttar Pradesh.

3. Duty of Food Authority and Local Authority :-

It shall be the duty of the Food (Health) Authority and Local Authority to carry into execution and enforce the provisions of the Act and the rules framed there under within the territorial limits of Uttar Pradesh, with a view to ensure that the articles of food are manufactured and sold in a pure and genuine condition.

4. Licensing authorities :-

(1) The authorities mentioned below are empowered to issue licenses in the prescribed form for the manufacture for sale, for the storage for sale and for the distribution of articles of food or any specified articles of food or class of articles of food, in respect of the local areas mentioned against each of them:- (a) All Nagar Swasthya Adhikaris, Atirikt Nagar Swasthya Adhikaris or. Municipal Medical Officer of Health in Uttar Pradesh. The Corporation or Municipal areas within their jurisdiction (b) All Deputy Chief Medical Officers of Health in Uttar Pradesh. The Rural and Urban areas within their jurisdiction. (c) Senior Medical Officer of Cantonment Board in Uttar Pradesh The Cantonment area within their jurisdiction. (d) Divisional Medical Officers of various Indian Railways within Uttar Pradesh. The Railway premises including Colonies within their jurisdiction. (2) The authorities mentioned in sub-rule (1) above shall, for the purposes of these rules, be known as "licensing authorities".

5. Application for licenses :-

An application for the grant of license under these rules, shall be made in Form 1 to the licensing authority of the area concerned, who shall grant a license in Form II. Every licensing authority shall maintain a register in Form III. Note The license form and application form are saleable for 2 paise and 3 paise per form, respectively, and can be obtained from the licensing authorities.

6. License fee :-

(1) For every license issued under rule, a fee of Rs. 10 (rupees ten only) shall be levied from a manufacturer or wholesaler, Rs. 4 (Rupees four only) from a retailer and Rs. 2 (Rupees two only) together with 50 paise as cost of metallic badge from a hawker. (2) For a duplicate copy of a license issued under this rule if the original is defaced, damaged or lost, a fee of Rs. 3 (Rupees three only) from a retailer and Re. 1 (Rupees one only) from a hawker. In the case of replacement owing to loss of the original metallic badge, the charge shall be Rs. 0.50 (fifty paise only). The fees collected under sub-rules (1) and (2) above shall be deposited under State receipt head "XXIV Public Health and Fines, etc., Income from license fees under the Prevention of Food Adulteration Act". (3) For the purposes of these rules;- (a) "Manufacturer" means a person who manufactures an article of food in quantities exceeding 20 kilograms on any one day, or who manufactures an article of food in factory as defined in the Factories Act, 1948, for sale to wholesaler or a retailer; (b) "Wholesaler" means a person who ordinarily sells an article of food to a retailer; (c) "Retailer" means a person who sells an article of food directly to individual consumers; (d) "Hawker" means a person who carries on business of selling an article of food from door to door

and not at any fixed premises.

7. Maintenance of register by manufacturer or wholesaler :-

Every manufacturer or wholesaler, in ghee, butter, charbi, oils, or hydrogenated vegetable oil products shall maintain a register as in Form IV which shall be open to inspection by the licensing authority or any other officer duly authorized by him in this behalf.

8. Grant and renewal of license :-

(1) The authorities mentioned in column 1 below shall, for the purpose of section 2 (viii) (2) of the Act, be the "Local Authorities" in respect of the areas indicated against each in column 2. Column 1 Column 2 (a) Magistrates-in-charge of the sub-divisions concerned. Rural area including town areas, (b) The officers in charge of any area declared by the Central Government or the State Government under sub-section (vii) of section 2 of the Act, by a notification in the Gazette, as "local area" by whatever name is called. The area concerned (2) A license may be granted for a period of one year commencing from 1st April and ending with 31st March or for any portion thereof. (3) An application for the renewal of a license shall be made by the license holder at least thirty days before the date on which the current shall be the same as prescribed under rule 6(1): Provided that if the application applies for the renewal of a license after its expiry but within one month of such expiry, the fee payable for the renewal of such license shall be the same as prescribed under rule 6(1) and an additional fee in equal amount.

9. Duration of a license :-

If a person who holds a license under the rules, dies, the license shall remain effective for the benefit of his lawful heir until the expiration of three months from the date of death of the licensee, or until the date of expiry of the license, whichever is earlier.

10. Fines :-

All fines imposed by Courts under the provisions of the Act or rules framed there under, shall in the first instance be credited to the head "XXI Administration of Justice General Fees. Fines and Forfeitures "ines" and 50 percent, thereof will ultimately be reimbursed in the shape of grant-in-aid to those Local Authorities, other than Magistrates in-charge of the subdivisions, within whose jurisdiction the offence was committed and who bear full expenses of the prosecutions from the stage of taking sample by the Food Inspectors to the stage of final decision by the Court: Provided that fines imposed by the Courts in respect of cases challenged by the Food Inspectors appointed by the State Government anywhere in the State be credited to the State Revenues.

11. Fee for analysis :-

The fee for the analysis of a sample of food sent to the Public Analyst for analysis by a purchaser, or any other person, under section 12 of the Act shall be Rs. 20 (Rupees twenty only).

12. Expenses in connection with collection and dispatch of food samples :-

All expenses incurred in connection with the collection and dispatch of food

samples for analysis and in the prosecution of persons under the Act or the case framed there under shall be met by the Local Authority within whose jurisdiction the sample of food is collected by its Food Inspector or the offence committed. Where no such Local Authority exists, such expenses shall be met by the State Government.

SCHEDULE 1

Appendix A

Form I
(See Clause (b) of sub-section (2) of section 24 of the Prevention of Food Adulteration Act, 1954)
Form of Application for the Issue of License under Uttar Pradesh Prevention Of Food Adulteration Rules, 1976
Application for license/renewal for the year.....20
Name of applicant.....son of.....
resident of.....to carry on the sale of milk, skimmed milk, separated milk/toned
milk/double toned milk/standardized milk, milk products, ghee/butter/edible oils hydrogenated vegetable
oil/charbi/sweetmeats/savoury/aerated water/article made out of flour including biscuits and other
bakery products, as a manufacturer/wholesaler/ retailer/hawker in premises
No.*.....
situated in the Municipality/Notified Area/ Town Area/Railway / Area/Village
of.....in the
district of.....old license No.....old badge
No..... (For
hawkers only) dated.....attached.....
.....
Signature or thumb impression of the applicant
Dated.....
(For use of the Licensing Authority)
Remarks as to how far the conditions governing the issue of license are fulfilled.
.....
Signature of the Reporting Officer
(Report by Office of Licensing Authority)
Fee amounting to Rs.....deposited in the office, vide challan no.
.dated.....which has been scrutinized and found in order.....
Signature
Sanctioned/Refused for the reasons given herein.
Dated.....
.....
Signature of Licensing Authority

SCHEDULE 2

Form II

Form of License.....Issued Under the Uttar Pradesh Prevention Of
Food Adulteration Rules, 1976
Municipality/Notified Area/District Corporation/Cantonment/Railway premises License
No..... Dated.....
Pursuant to the provisions of the Rules framed under the Prevention of Food Adulteration Act, 1954.
(Name).....son
of.....resident
of.....district.....is hereby licensed to sell or offer or expose for sale
or store for sale*.....as a manufacturer/wholesaler/retailer/hawker
from.....to.....within
the

limits of.....Notified Area/Town Area/Rural Area/Cantonment Area/

Railway Area, subject to the terms and conditions of the license as given below:-

Dated.....

.....

Licensing Authority

*Here insert name and nature of article of food for which license has been granted. Note.—An application

for the renewal of this license should be made by 1st March every year.

Conditions Of License

1. The business premises or shop, where food is sold or exposed for sale or stored for sale shall be free from sanitary defects and the licensee shall make such alterations in the business premises as may be required by the licensing authority.

2. No licensee shall employ any person who is suffering from infectious, contagious or loathsome disease.

3. Every manufacturer or wholesaler in food articles shall maintain a register (in Form IV) 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 this register shall be open to inspection when so required by the licensing authority or any officer duly authorized by him in this behalf.

4. A licensee, who is not hawker, shall put up a signboard written in English and Hindi characters, prominently indicating the kind of product sold in his shop. The notice-board shall always be maintained

in good order, and be put up at a prominent and conspicuous place in shop so that it may be distinctly visible to customers.

5. A hawker granted a license under the rules shall carry a metallic badge, showing clearly the license number and name and nature of the article for the sale of which the license has been granted.

6. A licensee shall manufacture or sell pure product only, which shall be free from any admixture with foreign substances, provided that mixtures of food may be sold if they are otherwise permitted by the Prevention of Food Adulteration Rules, 1955, and are labeled in accordance with the said rules.

7. The license will, at the most, cover a period of one year ending on 31st March and an application for the renewal of the license shall be made at least thirty days before the expiry of the existing license.

8. Shop-keepers (other than proprietors of hotels and restaurants) dealing in sweetmeats, savories, etc.,

prepared from ghee shall not sell sweetmeat, etc., prepared from hydrogenated vegetable oil or edible oils in the same shop and vice versa. They shall put up and display prominently a notice board in the shop or premises in English and Hindi stating the nature of the cooking medium, such as, (ghee or oil or

fat) used by them in the preparation of sweetmeats and savories for the information of intending purchasers.

9. No printed paper including newspapers or any waste paper, shall be used by licensee for the purpose

of covering cooked articles of food at the shop, or for serving cooked food to customers.

10. Articles of food covered by sub-clause (1) of rule 50 of the Prevention of Food Adulteration Rules, 1955 and which are not intended for human consumption shall not be stored or sold in the same premises where such edible food are stored or sold, under license.

Note

These conditions of license are in addition to the conditions for sale and license, mentioned in rules 49 and 50 of the Prevention of Food Adulteration Rules, 1955.

SCHEDULE 3

Form III

(See rule 5)							
Form of Register							
				Article of			Report of Food Inspector if

Serial No.	Date of application	Name of applicant	Address	food for which license has been applied for	Whether as a manufacturer, wholesaler, retailer or hawker	Location of business premises	the business premises are free from sanitary defects
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Order passed by the licensing authority	Amount of license fee paid	License No.	Date of issue of license	Date of expiry of license			
(9)	(10)	(11)	(12)	(13)			

SCHEDULE 4

Form IV

(See Rule7)				
Form of Register				
Date of Transaction	Quantity purchased or manufactured in factory and brought for sale	Price Paid	From whom purchased with address	Quantity sold
(1)	(2)	(3)	(4)	(5)
Net Price charged for sale		To whom sold with complete address		Stock in hand