

Punjab Prevention of Food Adulteration Rules, 2004

PUNJAB

India

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Rule

PUNJAB-PREVENTION-OF-FOOD-ADULTERATION-RULES-2004 of 2004

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Punjab Prevention of Food Adulteration Rules, 2004 Department of Health and Family Welfare (Health 4 Branch), Notification, dated 16th January, 2004 No. G.S.R. 5/C.A. 37/54/Section 24/2004. - With reference to Government of Punjab Department of Health and Family Welfare, Notification No. G.S.R. 15/C.A. 37/54/Section 24/2003, dated the 7th March, 2003 and in exercise of the powers conferred by section 24 of the Prevention of Food Adulteration Act, 1954 (Central Act No. 37 of 1954), and all other powers enabling him in this behalf, the Governor of Punjab after consultation with the Central Committee for Food Standards, is pleased to make the following rules namely :-

1. Short title, extent and commencement.

(1) These rules may be called the Punjab Prevention of Food Adulteration Rules, 2004. (2) They shall extend to the whole of the State of Punjab. (3) They shall come into force at once.

2. Definitions.

- In these rules, unless the context otherwise requires, -(a) "Act" means the Prevention of Food Adulteration Act, 1954 (Central Act No. 37 of 1954); (b) "Central Rules" means the Prevention of Food Adulteration Rules, 1955 made by the Central Government in exercise of the powers under section 23 of the Act; (c) "Section" means the section of the Act; (d) "Government" means the Government of the State of Punjab in the Department of Health and Family Welfare; (e) "Hawker" means a person who has no fixed place of business and carries the trade of preparing and/or selling food from place to place; and (f) "Caterer" means a person who prepare and/or serve food for monetary considerations.

3. Power of the Government. [Section 24].

(1)The Government may authorise a person by general or special order to grant consent or otherwise to institute prosecution under the Act.(2)The Government may, by notification, delegate to exercise any one or more of the powers and functions conferred by the Act on the Government to the Food (Health) Authority.

4. Power and Duties of Food (Health) Authority. [Section 24(2)(a)].

- The Food (Health) Authority shall exercise the following powers and shall perform the following duties, namely:-(i)It shall be responsible for general superintendence of the administration and enforcement of the Act;(ii)Whenever called upon to do so, it shall advise the State Government in matters relating to administration and enforcement of the Act;(iii)It shall prohibit the sale or manufacture for sale or storing for sale or distribution of any article of food in the interest of Public Health in the Local area;(iv)It shall have control over Public Analyst, Local (Health) Authority and Food Inspectors appointed under the Act or rules made thereunder;(v)It may, from time to time, delegate by an order, in writing, all or any of its powers and functions under the Act to the Local (Health) Authority or any other authority subordinate to it; and(vi)It shall arrange the training of Food Inspectors.

5. Powers and Duties of Local (Health) Authority. [Section 24(2)(a)].

- The Local (Health) Authority shall exercise for following powers and shall perform the following duties namely :-(i)It shall be responsible for proper and effective enforcement of the Act within its jurisdiction;(ii)It may, after giving notice to the vendor in writing, destroy any perishable article of food, if it is satisfied that such article of food is so deteriorated that it is unfit for human consumption;(iii)It shall receive two parts of the sample sent by the Food Inspectors and shall keep them under his safe custody. It shall also receive an intimation to the effect that the Food Inspector has sent one part of the sample to the Public Analyst for analysis;(vi)Whenever a Public Analyst intimates that the sample sent to him or when a Food Inspector sends an intimation that the sample sent to the Public Analyst, is lost or damaged, it shall send the other part to the Public Analyst for analysis;(v)It shall receive the report of the Public Analyst;(vi)It shall within a period of ten days after the institution of prosecution, forward a copy of the result of analysis based upon the report of the Public Analyst to such person from whom the sample was drawn and also to the persons from whom the vendor purchased such article of food and whose name and other particulars have been disclosed as provided in section 14-A as per the procedure specified in rule 9-A of the Central Rules;(vii)It shall have the powers to forward one of the parts of the sample to another Public Analyst as per the provisions of sub-section (2-E) of section 13;(viii)Where the sample conforms to the provisions of the Act or rules made thereunder, it shall intimate the result to the vendor from whom the sample was taken and also to the persons whose name and address and other particulars have been disclosed as provided in section 14-A within ten days from the receipt of the report from the Public Analyst as per the procedure laid down in rule 9-A of the Central Rules;(ix)On requisition made by the Court, it shall forward part or parts of the samples to the court within a period of five days from the date of receipt of such requisition;(x)Where two parts of the samples have been sent

to the court and one part of the sample has been returned by the court to the Local (Health) Authority, it shall keep that part till the certificate from the Director, Central Food Laboratory is received and may destroy it thereafter;(xi)In case the sample sent to the Director, Central Food Laboratory by the court is lost or damaged, it shall forward remaining part of the sample to the court if so requisitioned;(xii)It may receive a nomination from company authorising its Director or Manager to be responsible for offences under the Act, and it shall accept such nomination as per the procedure specified in rule 12-B of the Central Rules;(xiii)It shall ensure that the instructions or directions issued by the Central Government or Food (Health) Authority are strictly adhered to end;(xiv)It shall supply paper slips duly signed by him, bearing his code number and serial number to the Food Inspectors having jurisdiction in his Local Area and it shall also supply such paper slips to the purchaser or a recognised consumer association if they intend to get the article of food analysed under the provisions of section 12.

6. Licensing Authority. [Section 24(2)(b)].

- (i) The Food (Health) Authority for all licences of Food manufacturing Units and Establishments with licence fee of Rs. 5,000 and above;(ii)The Local (Health) Authority for all licences of Food manufacturing units and establishments with licence fee below Rs. 5,000.The Licensing Authority, if deems fit, may delegate its powers to any officer subordinate to it, by an order in writing.

7. Licences. [Section 24(2)(b)].

(1)Any person if desires to manufacture, exhibit sale, sell or distribute any article of food in respect of which a licence is required under rules 48-A to 50 of the Central Rules, shall apply for grant or renewal of licence, as the case may, in form 'A' to these rules to the Licensing Authority specified in rule 6 together with the fees as specified in Appendix 'A' appended to these rules together with a security of Rs. Two thousand for Licences whose Licence fee is of Rs. Five thousand or above and Rs. One thousand for Licences whose Licence fees is of Rs. Two thousand to Rs. Four thousand nine hundred and ninety nine and Rs. Five hundred of licences whose licence fee is of Rs. One thousand nine hundred and ninety nine or less than four thousand nine hundred and ninety nine. This deposit will be as security for performance of the conditions of the licence. The manufacturer of any article of food desiring to have a licence shall also produce the analysis report of water being used and the product or products to be manufactured from Public Analyst of the State indicating that those are fit for human consumption and conform to the prescribed standards;(2)The applicant shall furnish in the requisite application the detailed information regarding the location of the business premises, names of the local areas of the business premises which are intended for the manufacture for sale, for the storage, for the sale or for distribution of any article of food. The application shall be accompanied by the documentary evidence showing the possession of the premises, signed sketch showing the details of the premises, a copy of notice of nomination given in Form-VIII of the Central Rules and also a Medical Certificate duly signed by any Registered Medical Practitioner of himself or other persons engaged by him in the activities for which licence is applied for :-Provided that the itinerant venders, hawkers temporary stall holders, handcarts and motor vehicle or van holders or caterers shall submit two recent passport size photographs alongwith the application for licence for affixing one on the licence to be duly signed by the Licensing Authority and the other copy to be

retained by the Licensing Authority for record, the name of the Motor Vehicle, Make and Model, Registration number of Registering Authority and attested photocopy of the Registration should also be submitted. Note :- "itinerant vender" means a person who goes from place to place for selling food. (3) On the receipt of application under sub-rule (2) the Licensing Authority shall inspect or cause to be inspected the applicant's premises, hand carts or motor vehicle or van as the case may be and if the Licensing Authority is satisfied that the conditions for sale as specified in the rule 49 of the Central Rules and the conditions of licence as provided in the rule 50 of the Central Rules are satisfied and the premises or handcart of the hawker or van are adequate, suitable, capable of maintaining hygienic conditions and free from sanitary defects, the water used or to be used is from the Municipal tap or any source approved by the Licensing Authority, the Licensing Authority shall grant the applicant a licence in Form-B to these rules or renew the same as the case may be. The Licensing Authority may suggest such alterations and additions on the premises, hand cart, van or motor vehicle as may be necessary in his opinion in the interest of Public Health. (4) Licence granted or renewed under these rules, unless suspended or cancelled, shall be valid up to 31st of March of the year following the year in which it is granted or renewed, as the case may be : Provided that if the application for renewal of the licence is made before the date of expiry of the licence together with fees as specified in Appendix 'A' appended to these rules or where such application is made after the date of expiry but within a period of six calendar months from the date of such expiry together with fees specified in the said Appendix 'A' and appropriate amount of additional fees, if any, the licence shall be treated in force until orders are passed on the applications : Provided further that one application in Form-A to these rules giving particulars for different establishments or premises and nominees may be made to the Licensing Authority, alongwith fees as specified in Appendix 'A' appended to these rules for each establishment if different establishments or premises are situated in the same local area within the jurisdiction of the same Licensing Authority. (5) The Licence shall be abide by the provisions of the Act and the rules made thereunder and the conditions of the Licence granted to him. The Licensing Authority may suspend or cancel the licence or forfeit the security deposit for breach of any of the provisions of the Act or rules made thereunder or the conditions of the licence. (6) Where the Licensing Authority intends to refuse to grant or renew a licence or intends to suspend or cancel any licence or forfeit the security deposit, it shall before passing such order in that behalf require the applicant or the licensee as the case may be, to show cause, within a specified period of time, as to why such orders should not be made. If the applicant or licensee fails to show cause, within the specified period of time or shows a cause which in the opinion of the Licensing Authority is not satisfactory, the Licensing Authority shall make a speaking order accordingly. (7) Any person, aggrieved by the order of the Licensing Authority made under sub-rule (6), may within a period of thirty days from the date of receipt of the orders by him, appeal to the Food (Health) Authority. The memorandum of the Appeal shall be accompanied by a copy of the order against which the appeal is filed. The memorandum of appeal shall clearly state the ground or grounds on which the appeal is filed. (8) Any person aggrieved by the order of the Food (Health) Authority, made under sub-rule (7), may within a period of thirty days from the date of the receipt of the order file a second appeal before the Secretary to Government Punjab, Health and Family Welfare Department, stating the ground or grounds on which the second appeal is filed. The decision of the Government in this regard shall be final and binding. (9) The holder of the licence shall neither be entitled to any compensation for cancellation or suspension of licence nor to a refund of any fee paid in respect thereof. (10) Where at any time, a licence granted or renewed under

these rules is lost, destroyed or defaced and an application is made by the licensee for issue of a duplicate licence alongwith the proof of payment of fee, specified in Appendix 'A' appended to these rules for grant of licence, the Licensing Authority shall issue a duplicate licence in Form 'B' appended to these rules, which shall be clearly stamped as "Duplicate" in Red Ink and shall be marked with the date of issue.(11)The fee for the grant of duplicate licence shall be Rs. Fifty.

8. Register to be maintained for the purpose of Rule 50(12) of Central Rules. [Section 24(2)(b)].

- 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 (Vanaspati), Edible Oils, Refined Edible Oils and other fats shall maintain a register in the proforma given at Appendix 'B' appended to these rules. Such register shall be maintained in the form of a permanently bound and serially paged register. Such registers shall be kept open to inspection at the place in respect of which a licence is granted and where business is carried on. The same may be produced whenever required by the Licensing Authority or any other officer authorised by it.

9. Inspection Book. [Section 24(2)(b)].

- The Licensee shall maintain a Inspection Book in Form 'C' to enable the Food Inspector or the Licensing Authority or any other officer authorised by it to record his impressions or defects noticed.

10. Fees for Analysis of Article of Food. [Section 24(2)(c)].

- The following fees shall be payable for analysis of the articles of food in a Government Food Laboratories in the State of Punjab, namely :-

(a)	Sample from Private Source.	Rs. Two hundred per sample
(b)	Sample received under the Prevention of Food Adulteration Act, 1954 from other sources than Punjab State Government.	Rs. One hundred per sample

11. Repeal and Saving.

- The Prevention of Food Adulteration (Punjab) Rules, 1958 are hereby repealed :Provided that any order issued or any action taken under the rules so repealed shall be deemed to have been issued or taken under the corresponding provisions of these rules. Form 'A'[See rule 7(1)]Form of Application for Grant or renewal of LicenceToThe Licensing Authority, _____, _____, Sir, I/We (name/s) _____ Proprietor/Partner/*Director/*Manager of M/s _____ situated at _____ residing at _____ apply for *grant/*renewal of licence under the provisions of the Prevention of Food and Adulteration Act, 1954 and Rules made

thereunder, for the purpose of manufacture for sale/sell/stock-for sale/distribution of _____ (here specify the article of Food) _____ within the limits of *Municipality/*Municipal Corporation/*Notified Area/Cantonment Area/*Other Local Area _____ for the following Premises :-

Premises Dimensions Nominees Date of Nomination

Please furnish the full details including the dimensions of the premises, detail particulars including address of each premises and nominees under rule 12-B of the Central Rules. In the case of Van or Motor Vehicles, for sale or exhibition for sale, following additional information may be given namely :-

Name of the Van/Motor Vehicle Make and Model Registration Number Registered at

*I/*We hold a licence number _____ dated _____ under the Punjab Prevention of Food Adulteration Rules 2003 issued by the Licensing Authority _____ for the manufacturer for sale or sell or store for the sale of distribution Food articles within the limits of the _____ *Municipality/*Municipal Corporation/*Notified Area/Committee/Cantonment Board/*Other Local Area. *I/*We also furnish two recent passport size photographs a sketch and documents showing possession of the premises as required under rule 7(2) of these rules. *I/*We shall abide by the provision of Prevention of Food and Adulteration Act, 1954 and rules made thereunder and carry on the aforesaid trade subject to the restrictions/conditions imposed by the licence so granted to me/us. The fee of Rs. _____ (Rupees _____) is credited to the Government Treasury vide Challan No. _____ dated _____ under the Head of Account _____ by cash as per receipt number _____ dated _____ as specified under appendix 'A' to these rules as a case may be. Information given above is true to the best of my knowledge and belief and if any thing contained therein is found to be false, the licence shall be liable to be cancelled. Applicant's Signature. Date : Place : *The words which are not necessary may be struck out _____ Form 'B' Form of Licence [See rule 7(3)(10)] Licence No. _____ Licence for the manufacture for sale/stock for sale/sell/distribution of _____ Shri _____ *Director/*Proprietor/*Partner/*Manager of M/s _____ is hereby granted a licence form _____ to _____ for the *Manufacture for sale/stock for sale/*Distribution of _____ at the premises situated at _____. (hereafter referred to as Licensed Premises).

Premises Nominee if any Date of Nomination

Subject to the provisions of the Prevention of Food Adulteration Act, 1954 and the rules made there under and the following conditions namely :- Conditions of Licence

1. The licence is subject to the conditions laid down under the Act and the rules made thereunder.

- 2. The licence shall be displayed at a prominent place in a part of the premises open to the Public.**
- 3. The licence shall allow any Food Inspector appointed under the Act or any person duly authorized by the Food (Health) Authority or the Local (Health) Authority or the Licensing Authority as the case may be, to enter into any premises where manufacture for sale is carried out and to inspect the premises, machinery and record, at any time. The licensee shall supply to such Inspector or any other person so authorized any information as may be required to ascertain whether the provisions of the Act and the rules made thereunder the conditions of the licence are being complied with.**
- 4. The licensee shall maintain proper sanitation and hygienic conditions within the premises licensed. He shall have to comply with the instructions issued by the Food (Health) Authority, Local Health Authority or any other person authorized by it in this behalf from time to time.**
- 5. The licensee shall maintain such records and registers, as may be directed by the Food (Health) Authority and shall submit such periodical returns to the Licensing Authority concerned, as and when directed.**
- 6. The licensee shall declare the true nature of the articles of food, stocked, sold or exhibited for sale in a clear and conspicuous manner.**
- 7. All articles of food stocked or exhibited for sale for the purpose other than a human consumption shall be kept separately and marked in a clear and conspicuous manner with full description regarding the nature of articles and the purpose for which it is used. All articles of food found in the premises which are not so marked will be deemed to be kept for sale of human consumption.**
- 8. The licensee shall notify to the Licensing Authority any change in the ownership of the business premises or alternation in premises within seven days of such change.**
- 9. The licensee shall comply with the provisions of the Prevention of Food Adulteration Act, 1954 (Act No. 37 of 1954) and the rules made thereunder.**

10. In establishments where food articles are being manufactured, the licensee shall:-

(a)Cause every part of the internal surface of walls and ceiling of the kitchen and every room in which food articles are manufactured by him to be thoroughly white-washed at least once in a year, or at such short interval, as the person authorized to inspect may require;(b)Cause the floor or every such room or place to ensure its effectual cleansing and washing;(c)Cause every vessel to be cleaned through effective measures before and after use;(d)Use potable 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 (Health) Authority.

11. Any counter or tables used for keeping vessels for the manufacture, sale, storage, distribution shall be covered with aluminium sheet or other suitable impervious material and keep the same in clean condition.

12. The internal surface or the walls of the premises shall be rendered smooth and impervious to a height of one meter.

13. The licensee shall not keep outside the premises or on the public road or street any vessels used or intended to be used for the food articles.

14. The licence shall not be transferable.

15. The licensee shall, on demand by the Authority or Food Inspector, produce licence for inspection.

Endorsement for Renewal of LicenceThis licence is renewed for the period from _____ to _____.Licensing AuthorityPlace :Date :Form 'C'Form of Inspection Book(See rule 9)Form of Inspection Book(A)The cover of Inspection Book shall contain the following particulars, namely:-(i)The name and address of the Licensee _____.(ii)The Licence Number and Date up to which the licence is valid _____.(B)(1) The pages of the Inspection Book shall be serially numbered and duly stamped by the Licensing Authority. The pages other than the first and the last pages shall have the following particulars :-(i)Name and designation of the inspector who inspects the premises of licensee _____.(ii)Date of inspection _____.(iii)Observation of the Food Inspector/Licensing Authority or any other officer authorized by it.Signature of Food Inspector.Signature (Licensing Authority or other Officer Authorized by it.)(2)The first and last pages of the Inspection Book shall be endorsed by the Licensing Authority with the following words :-Inspection Book maintained by the M/sSituatd at _____for licence number _____In Form _____Under the Punjab Prevention of Food Adulteration Rules.Seal and Signature of the Licensing Authority.Appendix 'A'[See rule 7(10)]Fees for Grant/Renewal of Licence

S.No.	Category	Municipal Corporation Area	District Headquarter/Zila Parishad/Notified Area Committee/Cantonment Board	Municipal Area/Block Samiti/Tehsil/Mandi Town/Village/Gram Panchayat Area
1	2	3	4	5
1	Sugar Mills	15000	15000	15000
2	Kandsari Manufacturer	5000	5000	5000
3	Gur/Shakkar (Jaggery) Manufacturer	1000	1000	1000
4	Edible Vegetables Oil Mills selling oil with Brand/Trade Name	10000	10000	5000
5	Mills producing Refined Vegetables oil with Brand name and Vanaspati	15000	15000	15000
6	Margarine Manufacturer	2000	1000	1000
7	Ratary Gharis Power driven	1000	500	300
8	Ratary Gharis animal driven	200	100	100
9	Flour, Dal Mills, Rice Sheller	5000	3000	2000
10	Confectionery/Toffee Manufacturer	3000	2000	1000
11	Bakery & Bakery Products	2000	1000	500
12	Manufacturing/packing or preparing of powdered Spices condiments or curry powder or any spices in whole or powder form for Trade	3000	2000	500
13	Milk Dairies/Milk Products Manufacturer of Carbonated/Aerated Water, Non-alcoholic Beverages, Ice Cream.	10000	5000	2000
14	Manufacturer and Processor of Food Coloured Emulsifying Stabilizing Agents and other Food Additives	5000	5000	5000
15	Manufacturing of all Alcoholic Beverage and liquours	15000	15000	15000
16	Hotel Delux	15000	15000	15000
17	Hotel 5 Star	10000	10000	10000

	Hotel 4 Star	10000	10000	10000
	Hotel 3 Star	8000	8000	8000
18	Hotel and Restaurant Grade-I	5000	5000	5000
19	Hotel and Restaurant Grade-II	3500	2500	1500
20	Eating Houses, Boarding houses, Dabhas, Catering/Fast FoodCentres and other Hotel and Restaurants	2000	1500	500
21	Slaughter Houses	1000	500	200
22	Sweetmeat Shops	5000	3000	1000
23	Cold Stores/Cold Storage Centres Warehouses	5000	5000	5000
24	Sugar Cane Juice/Fruit Juice/Drinks/Ice Candy Sellers	1000	500	200
25	Whole Salers/Agents, Distributors of Liquor & AlcoholicBeverages	10000	8000	5000
26	Whole Salers/Agents. Distributors of any food articles exceptLiquors & Alcoholic Beverages	8000	5000	3000
27	Retailers of Liquors and Alcoholic Beverages	5000	3000	2000
28	Retailer of any food articles except Liquors & AlcoholicBeverages	1000	500	200
29	Itinerant Vendors/Hawkers Selling any food articles	500	300	100
30	Temporary stall holders at Festivals/Exhibitions/Weekly Bazaretc.	500	300	100
31	Tea Stalls	500	300	100
32	Temporary Stall/Handicrafts and Panwallas	500	300	100
33	Shops/Stalls selling, Mutton, Fish, Meat & MeatProducts	1000	500	200
34	Atta Chakki, Masala Grinding Centre	1000	800	500
35	Packaged Mineral Water/Packaged Drinking Water	10000	10000	10000

	Industry			
36	Manufacturer of Proprietary and other non-specified food	8000	8000	8000

Note :- The late fee will be charged @ 10% of the original fee per month up to six months. Appendix 'B' (See Rule 8) (Registration for the Purpose of Sub-rule 12 of Rule 50 of P.F.A. Rules, 1955) FRONT

PAGE : Name and address of the licence holder _____

Address of premises _____ Number _____

and date of licence _____ Operations _____

carried out _____ Subsequent pages :

RECEIPT

Sl. No.	Date	Nature of substances	Descriptive mark	Qty. Mfg./prepared/purchased or received
1	2	3	4	5

DISPOSAL

Date of sale	Brand of Article	Qty. Sold	Destination of each consignment of the substances sent out	Balance	Remarks
6	7	8	9	10	11

Subsequent pages in case of oil ghanis driven by animals shall be as follows :-

Serial No.	Date	Total Qty. of Copra or oil seeds purchased	Total Qty. of oil manufactured / prepared / purchased or received	Total Qty. of oil sold	Destination of each consignment of the substances sent out	Balance	Remarks
1	2	3	4	5	6	7	8