

Sikkim Food and Drug Rules

SIKKIM

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Rule SIKKIM-FOOD-AND-DRUG-RULES of 1955

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Sikkim Food and Drug Rules Last Updated 24th February, 2020 (Received the assent of Highness the Maharaja on the 9th December, 1955) Preamble. - Whereas it is expedient to make provision to prevent the supply of food and drugs unfit for human consumption or medicine, it is hereby notified as follows

1. Short Title.

- These rules may be called the Sikkim Food and Drug Rules.

2. Definitions.

- For the purposes of these rules, unless there is anything repugnant in the subject or context. (1) "Food includes" every article used for food or drink; by, man, other than drugs or water and any article which ordinarily enters into or is used in the composition' or preparation of human food and also includes confectionery, flavouring and, Colouring matters and spices and condiments. (2) "Drug" means any substance used as medicine, or in the preparation of medicines, whether for internal or external use, but, does not include medicines and substance exclusively used or prepared, for use in accordance with Ayurvedic, Unani or indigenous system; of medicine. (3) An article shall be deemed to be "Adulterated" (a) In the case of drugs: If its strength, quality or purity falls below the professed standard under which it is sold or exposed for sale (b) In the case of confectionery: If it contains any mineral substance or poisonous colouring or flavouring or other ingredients deteriorious or detrimental to health and; (c) In the case of food (i) if any substance has been mixed or packed with it so as to reduce or lower or harmfully affect its quality or strength, or (ii) if any substance has been substituted wholly or in part for the article, or (iii) if any normal constituent of the article has been wholly or in part abstracted, or (iv) if it is mixed, coloured powdered coated or stained in a manner whereby deterioration inferiority is concealed, or (v) if it contains or is mixed or diluted with any substance in any quantity to the prejudice of the purchaser or consumer or In any proportion which diminishes in any manner Its food value or nutrition

properties as, compared with the same in a pure or normal state and in an un-deteriorated and sound Condition or (vi) if it contains any added poisonous or other, added deteriorous ingredient which may render such article injurious to health, (vii) if it is, not of the nature, substance or quality which it purports, or is represented to be. No diseased person to engage in the manufacture, preparation, etc., for sale of any food or drug.

3. (i) No person who is suffering from any infectious disease or who is suffering from any condition, causing a discharge of pus serum from any, part of the body shall engage or shall be engaged or shall be allowed to engage himself in the manufacture preparation, storage, packing, carriage or delivery for sale of any food or drug, or of any material or article used or intended to be used as a Wrapper or container for food; or

(ii) Every person engaged in the manufacture, preparation, Storage packing carriage or delivery as aforesaid, shall be subject to medical examination, by the Chief Medical Officer or by any other medical officer empowered by the Chief Medical Officer and such person shall allow himself to be so examined. No person who is or has come in in contact with any person suffering from an infectious disease shall so, engage himself if forbidden to do so by the Chief Medical Officer, Place of manufacture, preparation etc. for, sale of any food or drug to be open to inspection.

4. (i) Every place used for the manufacture, preparation storage packing or delivery for sale of any article of food or, drug, shall be open at all times for inspection by the Officers of the Bazar and Medical Department authorised in his, behalf by the Chief Medical Officer and such Officers, shall have the right to enter, into such place for such inspection at all times.

(ii) Every vessel or container or instrument or other article, used for the manufacture, preparation storage; packing or delivery of any, such article of food, or drug, shall be kept clean and shall for that purpose be washed every time it has been used for such purpose. Such vessel, container, instrument; or other, article shall at all times be open to inspection by Officers of the Bazar and Medical Department referred to in sub-rule (1). (iii) In every place used for manufacture preparation, storage or packing for sale or delivery for sale of any article of food or drug or receptacle and materials used for such measures as may be prescribed by the Chief Medical Officer in this behalf. Prohibition of sale of diseased animals or unwholesome articles intended for human food or medicine.

5. (i) No, person shall sell, store for sale, expose or hawk about for sale or keep for sale, any animal intended for human consumption which is diseased, or any food or drug intended for human consumption or manufacture any such food or drug which is unsound, unwholesome or unfit for human food or for medicine as the case may be.

(ii) In any prosecution under this rule the Court shall, unless and until the contrary is proved, presume that any animal, food or drug found in the possession of a person who is in the habit of keeping animal of that class intended to be used food human consumption or of keeping or manufacturing such food or drug for the purpose of human consumption, has been so kept or manufactured as the case may be for sale by such person. Licensing of shops for retail sale of drug.

6. (i) No person shall keep any shop or place for, retail sale, of drugs, not being also article of ordinary domestic consumption, without a licence from the Chief Medical Officer.

(ii) The person to whom such licence is granted in respect of any shop or place shall display it in some conspicuous part of such shop or place. Manufactory or place of storage in contravention of the provisions of this notification may be closed.

7. (i) If any manufactory or place of storage or sale of any article of food is kept in contravention of the provisions of this notification, the Chief Medical Officer may cause the same to be closed.

(ii) Whenever a Magistrate convicts any person for keeping a manufactory or place of storage for sale of any animal food or drug in contravention of the provisions of this notification he may direct that the use of the premises for such purpose shall cease. Inspection of animal, etc. exposed for sale and seizure of animals, etc. which are diseased, etc.

8. (i) The Chief Medical Officer -or any person authorised by him in this behalf, may, at any time by day or night, inspect and examine any animal, food or drug intended for human consumption which is in course of transit or is exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale or of preparation, for sale, and may inspect any such food or drug during the process of its manufacture and any utensil or vessel used for preparing, manufacturing or containing any such food or drug.

(ii) If, as a result of such inspection a prosecution is instituted, then the burden of proving, that any such animal, food or drug was not exposed or hawked about or deposited or brought for sale or was not intended for human consumption shall rest with the party charged. (iii) If any such animal appears to, the Chief Medical Officer or a person authorised as aforesaid to be diseased or if any such food or drug appears to him or for medicine as the case may be or to be adulterated or if any such utensil or vessel of such kind or in such state as to tender any food or drug prepared, manufactured, contained therein unwholesome or unfit for human food, or for medicine, as the case may be he may seize and carry away such animal, food or drug, utensil or vessel, in order that the same may be dealt with as hereinafter provided. Destruction of animal etc. seized under Rule 8.

9. (i) When any, animal food, drug, utensil or vessel is seized under rule 8, it may, with the consent of the owner or the person in whose possession it was found, be forthwith destroyed or;

If such consent be not obtained and, if any food or drug seized is of a perishable nature and is in the opinion of the, Chief Medical Officer or of the Medical Officer in charge of a hospital or of a Sanitary Inspector of the Sikkim State, unsound, unwholesome or unfit for human consumption or medicine, it may likewise be destroyed.(ii)The expense incurred in taking any action under the sub-rule (i) shall be paid by the person who was in possession of such animal, food, drug, utensil or vessel at the time of its seizure.Taking before Magistrate animals, etc., seized under rule 8.

10. (i) Any animal, food, drug, utensil or vessel seized under rule 8 which is not destroyed in pursuance of rule 9, shall subject to, the provision of rule 9, be taken before a Magistrate as soon as may be after such seizure.

(ii)If it appears to the Magistrate that any such animal is diseased, or that any such food or drug is unsound, unwholesome, Or unfit for human food, or for medicine, as the case may be, or is adulterated, or that any such utensil or vessel is of such or in such state as is mentioned in rule 8 and is likely to be used for preparing manufacturing or containing such food or drug, he shall cause the same to be destroyed at the expense of the person who was in possession of it at the time of its seizure or to be other wise disposed of so as not to be capable of being used as human food or medicine, or for preparing, manufacturing or containing any food or drugs as the case may be.(iii)If it appears to the Magistrate that any such animal is not diseased or that any such food or drug is not unsound, unwholesome or unfit for human food Or for medicine, as the case may be or is adulterated or that all such utensil or vessel is not used for preparing manufacturing or containing the same the person' from whose shop or place the animal, food, drug, utensil or vessel was taken shall be entitled to have it restored to him and it shall be in the discretion of the Magistrate to award him such compensation not exceeding: the actual loss which he has sustained as the Magistrate may think proper.The Chief Medical Officer may frame subsidiary rules.

11. The Chief Medical Officer may frame subsidiary rules to be observed by tea-shops restaurant, hotels and other food catering establishment for ensuring the safety of the food for human consumption.

Penalties.

12.

Whoever contravenes any of the provisions of this notification or of subsidiary rules framed by the Chief Medical Officer, thereunder shall be punished with a fine not exceeding one, thousand rupees or, with imprisonment which may extend up to six months or with both.