

The Delhi Prevention of Food Adulteration Rules, 2002

DELHI

India

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Rule

THE-DELHI-PREVENTION-OF-FOOD-ADULTERATION-RULES-2002 of 2002

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The Delhi Prevention of Food Adulteration Rules, 2002Published vide Notification No. F. 1(5)/93/PFA/Enf.25-30, dated 9th April, 2002, published in the Delhi Gazette, Extraordinary, Part 4, dated 9th April, 2002In exercise of the powers conferred by Section 24 of the Prevention of Food Adulteration Act, 1954 (Central Act 37 of 1954) read with Government of India Ministry of Health notification No. F-9-3/55-D, dated the 1st June, 1955 and after consultation with the Committee for Food Standards and after previous publication, the Lieutenant Governor of the National Capital Territory of Delhi hereby makes the following rules, namely:-

1. Short title and commencement.

(1)These rules may be called the Delhi Prevention of Food Adulteration Rules, 2002.(2)They shall come into force with effect from the [date] [Came into force on 10.4.2002, except clause (vi) of rule 2 and rule 5, vide Notification No. F. 1 (5)/93-PFA/Enf./19-24, dated 9th April, 2002.] notified by Government in the Official Gazette :Provided hat different date may be fixed for he enforcement of provisions for grant of licenses under these rules.

2. Definitions.

(1)In these rules, unless the context otherwise requires,-(i)"Act" means the Prevention of Food Adulteration Act, 1954 (Central Act 37 of 1954);(ii)"Central Rules" means the Prevention of Food Adulteration Rules, 1955 framed by the Central Government under Section 23 of the Act;(iii)"Delhi" means the National Capital Territory of Delhi;(iv)"Directorate" means the Directorate of Prevention of Food Adulteration of the Government;(v)"Government" means the Lieutenant Governor of the National Capital Territory of Delhi appointed by the President under article 239 and designated

under Article 239AA of the Constitution;(vi)"licensing authority" means an officer or officers of the Municipal Corporation of Delhi or the New Delhi Municipal Council or the Delhi Cantonment Board, who is/are appointed and notified by the Government to be the licensing authority for the respective areas assigned to them;(vii)"Official Gazette" means the Official Gazette of National Capital Territory of Delhi;(viii)"section" means the section of the Act.(2)Words and expressions used but not defined in these rules and defined in the Act and the Central Rules shall have the meanings as respectively assigned to them in the Act and the Central Rules.

3. Powers and duties of the Food (Health) Authority.

- The Food (Health) Authority shall exercise and perform the duties as detailed below, namely:-(i)To be responsible for general superintendence of the administration and enforcement of the Act and the rules framed thereunder.(ii)To grant consent for instituting prosecution of an offence as required under Section 20.(iii)To advise the government, whenever called upon to do so in matters relating to the administration and enforcement of the Act.(iv)To prohibit the sale or manufacture for sale, storage for sale or distribution for sale of any food article in the interest of public health in the whole of the National Capital Territory of Delhi or any part thereof by notification, for such periods as may be specified therein.(v)To control and supervise the operations of the Public Health Laboratories maintained by the Directorate of Prevention of Food Adulteration, the public analysts, subordinate and local authorities, the licensing authorities, the local (health) authorities, the food inspector implementing and any other agency or agencies enforcing the provisions of the Act and the rules framed thereunder.(vi)To give such directions as it considers appropriate, having regard to the matter connected with the enforcement of the Act and the rules framed thereunder, to the public analysts, the licensing authorities, the local (health) authorities in the National Capital Territory of Delhi to be complied with.(vii)To arrange training of the public analysts, the local (health) authorities and the food inspectors.(viii)To interact with consumer organizations to create public awareness about the food safety and quality or misbranding of food articles.(ix)To delegate any of his functions to the subordinate and local authorities, in which case these authorities shall work under the supervision, guidance and control of the Food (Health) Authority.

4. Power and duties of the Local (Health) Authority.

- The Local (Health) Authority shall exercise and perform the duties as detailed below, namely:-(i)To be responsible for day-to-day administration and enforcement of the Act.(ii)To receive from the food inspector and keep in his safe custody of Part II and Part III of the samples and the memorandum in Form VII prescribed under the Central Rules.(iii)To be responsible for complying with requirements of Rule 9B of the Central Rules.(iv)To be responsible for arranging the second examination as and when a request for the same has been made under sub-section (2E) of Section 13 of the Act.(v)To be responsible to comply with the requisition made by the Court under sub-section (2A) of Section 13 of the Act.(vi)To be responsible to retain third part of the sample till the certificate from the Director, Central Food Laboratory has been received under Section 13(2C) of the Act.(vii)To send acknowledgment, (if authorised to acknowledge the nomination from companies) to the company and the employee named in the request with copies to all such authorities to whom copies are required to be sent under the orders of the Food (Health) Authority

within seven days of the receipt of the requests.(viii)To comply with the directions of the Food (Health) Authority.(ix)To issue slips as per the requirements of Clause (c) of Rule 16 of the Central Rules,(x)To supervise the investigation of offences under the Act.

5. Licences.

(1)Any one desiring to manufacture or distribute or deal in any food article shall make an application to the appropriate licensing authority having jurisdiction in this regard in Form A along with an affidavit and a copy of the documents disclosing the constitution of the applicant and the names and addresses of the persons responsible for conduct of the business.(2)Every person desirous of obtaining the license shall pay a fee at a rate indicated in Schedule I to these rules. The licence fee shall be paid in the form of Demand Draft drawn in the name of DDO (PFA) in the Directorate of the Prevention of Food Adulteration, Government of National Capital Territory of Delhi.(3)The acknowledgment of the application form when issued by the licensing authority on expiry of thirty days shall be deemed to be the licence, when application form, complete in all respects, has been filed with the licensing authority and nothing adverse has been heard from the licensing authority within said period of thirty days :Provided that the licensing authority may within thirty days from the date on which the application was filed in his office call for such information as is declared to be essential in the application for this purpose and on the failure of the applicant to furnish those details the licensing authority shall be at liberty to reject the request for grant of licence.(4)Every such person who claims to be a deemed licensee under sub-rule (3) of this rule shall be required to prove his status whenever it becomes necessary to do so.(5)Every licensee or deemed licensee shall be required to observe conditions of the licence, which are prescribed by the Food (Health) Authority from time to time and published in the Official Gazette.(6)The licensing authority may after giving an opportunity of being heard to the licensee or deemed licensee, cancel this licence if it comes to a conclusion that there has been violation of conditions of licence or deemed licence, apart from taking any other legal action the Act.

6. Fees.

(1)The fees payable for the grant of licence to manufacture or distribute or deal in food articles at the commencement of these rules shall be such as are shown in the Schedule I.(2)The Food (Health) Authority may with the prior approval of the Government modify the rates of fees by amending the Schedule I.(3)The fees for analysis of the food article received from a consumer/consumer organisation shall be one thousand rupees-and shall be payable by Demand Draft or cash to the DDO (PFA) in Directorate.(4)The fees for analysis of the food article received from the traders whenever analysis of the same in the Food Laboratory maintained by the Directorate of Prevention of Food Adulteration is allowed by the Food (Health) Authority shall be five thousand rupees per item and shall be payable in advance through Demand draft or cash to the DDO (PFA) in the Directorate.(5)The Food (Health) Authority shall be empowered to refund the fees whenever so required under the third proviso to the Section 12 of the Act.

7. Realisation of fines.

- All fines imposed and realised by the court under Section 16 or by any other authority shall be credited to the Consolidated fund of the National Capital Territory of Delhi as revenue receipts of the Directorate of the Prevention of Food Adulteration Government of National Capital Territory of Delhi.

8. Repeal and saving.

(1)The Delhi Prevention of Food Adulteration Rules, 1956 shall stand repealed from the date of the commencement of these rules:Provided that-(i)such repeal shall not affect the previous operation of the said rules, or notification or order made, or anything done, or any action taken, thereunder;(ii)any proceedings under the said rules pending at the commencement of these rules, shall be continued and disposed of, as far as may be, in accordance with the provisions of these rules, as if such proceedings were under these rules.(2)Nothing in these rules shall be construed as depriving any person to whom these rules apply, or any right of appeal which had accrued to him under the rules, notification or orders in force before the commencement of these rules.(3)An appeal pending at the commencement of these rules against an order made before such commencement shall be considered and order thereon shall be made, in accordance with these Rules, as if such order were made and the appeal were preferred under these rules.(4)As from the commencement of these rules any appeal or application for review against any orders made before such commencement shall be preferred or made under these rules, as if such orders were made under these rules :Provided that nothing in these rules shall be construed as reducing any period of limitation for any appeal or review provided by any rule in force before the commencement of these rules.

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[See rule 5(2) and 6(1) and 6(2)]Scale of Fee For Grant/renewal of Licence

S. No.	Trade	Licence Fee Per Annum in Rupees
I.	Manufacturer	
1.	Edible Vegetable oils, fats, Vanaspati/Margarine and allied products mills (mfg. For wholesale).	5000.00
2.	Rotary Ghani/Expeller (for retail sale).	2000.00
3.	Roller flour mills for manufacturing of atta, maida, suji etc.	8000.00
4.	Flour mills fitted with stone grinder for manufacturing of atta, maida, etc. (Manufacturing for wholesale).	5000.00
5.	Flour mills fitted with stone grinder for manufacturing of atta, besan, etc., for grinding only or/and retail sale.	1000.00

6.	Rice/Powa/Dal/Besan mills.	5000.00
7.	Spices and condiments grinding and packing for wholesale.	3000.00
8.	Spices and condiments grinding only/packing for retail sale.	1000.00
9.	Sugar mills including manufacturer of cube sugar/icing sugar.	8000.00
10.	Khandsari/bura/misri.	2000.00
11.	Jaggery manufacturer.	1000.00
12.	Confectionary (sugar boiled confectionary toffee etc.).	2000.00
13.	Bakery and bakery products (manufacturing for wholesale).	5000.00
14.	Bakery and bakery products (manufacturing for retail sale).	1000.00
15.	(i) Carbonated/aerated water/non-alcoholic beverages.	5000.00
	(ii) Carbonated/aerated water/non-alcoholic beverages (bantatype).	1000.00
16.	(i) Ice-cream/Ice-candy/Frozen desert and similar products.	5000.00
	(ii) Factories having less than 50 trollies.	2000.00
17.	Ghee/Milk Powder/Butter oil/Khoya/Paneer/Cheese/ Flavoured Milk/Yogart/Chakka/Cream/Condensed milk/ infant milk substitute and allied products for wholesale.	5000.00
18.	Milk dairy including Ghee/Butter/Cream/Paneer/Khoya/Flavoured milk and allied products for retail sale.	2000.00
19.	Food colours/flavours/Gelatin/Honey/Preservatives/ Artificial sweeteners/other food additives.	5000.00
20.	Tea/Coffee/Cocoa/Chicory.	5000.00
21.	Silver Leaf (edible).	2000.00
22.	Edible salt/Iodised salt/Rock salt etc.	100.00
23.	Starchy foods (arrowroot, sago, high/hingra compoundasafoetida).	1000.00
24.	Pan masala/pan flavoured/catechu/zarda/chewing tobacco/sweetened supari and allied product.	5000.00
25.	Fresh juice of fruit, vegetable, sugarcane etc. for retail sale.	200.00
26.	Namkeen manufacturing for wholesale.	2000.00
27.	Namkeen/savouries for retail sale.	1000.00
28.	Manufactures not specified above.	2000.00
II.	Hotel/restaurant/Eatwari	
1.	Halwai shop (Including Namkeens savouries for retail sale).	1000.00
2.	Hotel Dealing in prepared or ready to serve food :	
	(i) Five Star Hotel (Deluxe).	10000.00
	(ii) Five Star Hotel.	8000.00
	(iii) Four Star Hotel.	6000.00
	(iv) Three Star Hotel.	5000.00
	(v) Other hotels including boarding house serving food.	2000.00

	(vi) Banquet halls, with or without restaurant.	3000.00
3.	Air conditioned restaurants/halwai shop.	3000.00
4.	Restaurants/Eating house/Mobile food vans/Canteens (Non airconditioned).	500.00
5.	Caterers.	3000.00
6.	Workshop of Hotels/Restaurant/Boarding House/Halwaishop/Caterers/other eating-house. Situated in premises other than the premises for which licence is applied for.	1000.00
III.	Wholesalers of One or More Items of Following Including Commission Agents Wholesaler-Cum-Retailer	3000.00
1.	Oil & Fats, Vanaspati/Margarine and allied products.	
2.	Spices & Condiments.	
3.	Ice cream, Ice candy, etc.	
4.	Flours.	
5.	Sweetening agents like sugar, etc.	
6.	Confectionary and bakery products.	
7.	Sweets & Namkeen, Savouries, etc.	
8.	Tea, coffee, etc.	
9.	Pan masala, katha, supari, etc.	
10.	Milk & milk products.	
11.	Aerated water.	
12.	Food colour, flavours & Food additives.	
13.	Alcoholic Beverages.	
14.	Salt.	
15.	Dry Fruits.	
16.	Silver Leaf.	
17.	Food Grains/pulses.	
18.	Other food articles not stated above.	
IV.	Cold Storage Centres & Warehouse	5000.00
V.	Godown	1000.00

Note.-(1) The late fee will be charged @ 10% of the original fee per month upto six months and thereafter @ 20% per month.(2)The licence fee for temporary stallholders at festivals/exhibition/fair etc. for a period of one month or part thereof shall be charged (10% of the annual fee subject to minimum of Rs. 10%).Form A[See rule 6(1)]Application for Grant/Renewal of Licence Under Rule 5 of Delhi Pfa Rules, 2002(To be filled in triplicate)ToThe Licensng AuthorityArea.....Sir,I hereby apply for grant/renewal of PFA Licence as per details given below:

1. (i) Name and address of the Establishment.....

(ii)Address of Premises for which licence is required.....(a).....(b).....(c).....

2. Purpose (i) Manufacturing of food articles.

(ii)Distribution of food articles and(iii)Deal in food articles (iv) others...(Delete whichever is not applicable)

3. Name(s) of food articles(s) to be manufactured/sold/stored/ distributed, etc.....

4. Status of the establishment, i.e., Proprietorship/Partnerships/ Society/Company etc.....

(Add copy of Partnership Deed/Laws & Bye-laws of Society/Memorandum/Article of association of Company).

5. Category of trade for which licence is required (see note 1).....

6. The amount of Rs..... in cash receipt/Treasury challan No..... Dated for the fees for licence as per the Schedule I is enclosed herewith.

7. Particulars of person(s) responsible for conduct of Business.

S. No. Name Father's/ Husband's Name Address Status in applicant's firm

- 1.
- 2.
- 3.

I/We hereby undertake to scrupulously comply with the requirements, licensing conditions and other provisions of Prevention of Food Adulteration Act, and Central/Delhi PFA Rules, 2002 and carry out all the instructions that may be issued by the Central Government/Food (Health) Authority/Local (Health) Authority and the Licensing Authority from time to time to regulate the manufacture/sale/storage, etc., of the food articles.I am also enclosing further all the documents as mentioned below:The statements made herein and documents enclosed are true to the best of my knowledge and belief and if found to be incorrect or false, licence is liable to be cancelled.Date.....Place.....Signature of the ApplicantComplete name and address of the establishment.....

1. Category of Trade (To be filled in Column No. 8)

(i)Manufacturing for wholesale.(ii)Manufacturing for retail sale.(iii)Wholesaler/Wholesaler-cum-Retailer/Commission agent.(iv)Hotels/Restaurants/Boarding House/Halwai shop/Ceterers/ Banquet Hall..:(a)Five Star Hotel (Deluxe)(b)Five Star Hotel(c)Four State Hotel(d)Three Star Hotel(e)Other Hotels including boarding house/Non A/c. serving foods(f)Restaurant/Halwai Shop (Please specify A/c Non-A/c)(g)Canteen/Mobile Van/Other eating house.(h)Caterers.(i)Banquet hall with or without Restaurant.(j)Workshop of Hotels/Restaurant/Boarding House/Halwai Shop/Caterers/Banquet Hall/Other eating house, situated in premises other than the premises for which license is applied for.(v)Mobile and Stationary motor van engaged in selling food articles with registration number.(vi)Cold storage Centre/warehouse/godown.(vii)Others viz.,Following documents shall be enclosed with the application :(i)Proof of the ownership or possession of the Premises by the applicant.(ii)Photocopy of the Partnership Deed/Memorandum and Articles of Association or the Certificate of incorporation, etc.(iii)Three attested copies of the passport size photographs of the applicant.(iv)Copy of the nomination, if any, accepted by Local (Health) Authority, Delhi,(v)An affidavit as per Proforma.Acknowledgment for Grant/Renewal of LicenceReceived an application for grant/renewal of licence from M/s ... address on.....For Licensing AuthorityNote.-If the applicant has complied with statutory requirements and furnished prescribed documents and has not heard anything to the contrary from the.licensing Authority within thirty days of the date indicated above this acknowledgment shall be construed as a deemed licence under the provisions contained in Clause (iii) of Rule 5 of the Delhi Prevention of "Food Adulteration Rules, 2002.