

The Orissa (Prevention of) Food Adulteration Rules, 1959

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Rule

THE-ORISSA-PREVENTION-OF-FOOD-ADULTERATION-RULES-1959 of 1959

- Published on 30 November 1959
- Commenced on 30 November 1959
- [This is the version of this document from 30 November 1959.]
- [Note: The original publication document is not available and this content could not be verified.]

The Orissa (Prevention of) Food Adulteration Rules, 1959Published vide Notification No. 14170-H, dated 30th November, 1959, Orissa Gazette Extraordinary No. 653/1.12.1959Notification No. 14170-H, dated 30th November, 1959. - In exercise of the powers conferred by Sub-Section (1) of Section 24 of the Prevention of Food Adulteration Act, 1954, (37 of 1954), the Government of Orissa after consultation with the Central Committee for Food Standards hereby makes the following rules, the same having been previously published as required by Sub-Section (1) of Section 24 of the said Act, namely :

1. Short title and commencement.

(1)These rules may be called the Orissa Prevention of Food Adulteration Rules, 1959.(2)These rules shall come into force on the date of their publication in the Official Gazette of Orissa.

2. Definitions.

- In these rules, unless the context otherwise requires-(a)"Act" means the Prevention of Food Adulteration Act, 1954 (Act 37 of 1954);(b)"contaminated or stale or unwholesome or noxious" means harmful to health or unfit for use by human being;(c)["manufacturer" means who prepares any article of food intended for sale and, includes any process or part of a process for making altering, finishing, packing, labelling, or otherwise treating except packing of an article in the ordinary course of retail business.] [Substituted vide Notification No. 25474/16.12.1964.](d)"retailer" means a person who sells to consumers;(e)"retail sale" means sale for the use of consumers'(f)"street hawker" means an itinerant retailer who has no fixed place for the sale of food stuff;(g)"wholesale" means sale for the purpose of retail sale;(h)"wholesaler" means

who sells to a retailer;(i)words and expressions used but not defined in these rules shall have the same meaning as are assigned to them in the Act.

3. Power of Food (Health) Authority.

- The Food (Health) Authority shall have the power to prohibit the safe or manufacture for sale of an article of food with a view to preventing the outbreak or spread of infectious diseases.

4. Delegation of powers of the Food (Health) Authority.

(1)The Food (Health) Authority may delegate all or any of its powers or duties to any local authority or any Food Inspector employed by the Government in any local area.(2)A local authority shall incur, out of its own funds, all expenses for enforcement of the Act within its jurisdiction and shall be paid 50 per cent of the fines realised under the Act within its jurisdiction.

5. [Jurisdiction of the Food Inspectors. [Substituted vide Orissa Gazette Extraordinary 12.2.1966-Notification No. 2807/64/21.2.1966.]

- The jurisdiction of a Food Inspector of the rank of Health Inspector in case of rural area shall be the health range wherein he is posted and in case of a Municipality, Notified Area Council, or Cantonment, the area included within the local limits of the Municipality, Notified Area Council or Cantonment, as the case may be.]

6. Jurisdiction of the Public Analyst.

- The Public Analyst shall have jurisdiction over the entire State. Officers in charge of the Regional Laboratories when established, shall work under the control of the Public Analyst and shall have jurisdiction over the areas as notified from time to time.

7. Licence for manufacture of food for sale, for sale of any articles of food, etc., and fees and conditions of licence.

(1)For every licence for the purpose of manufacturing for sale any article of food mentioned in Column (1) of each of the table given below a fee shall be payable at the rate noted against such article in Column (2) of the said table :[Table-I] [Substituted vide Orissa Gazette Extraordinary No. 1849/20.12.1964.]Licence required for manufacture of food for sale under Rule 7 of the Orissa Prevention of Food Adulteration Rules, 1959

	1	2
1. (a)	Condensed, sterilised or desiccated milk in hermeticallyclosed receptacle	Rs. 50 per year
(b)	Butter (in sealed tins or paper cartoons)	

- | | | |
|--------|------------------------------------|--|
| (c) | Ghee in sealed tins or bottles | |
| 2. | Maida, Atta and Suji- | |
| (a) | Mechanical | Rs. 4 per year per machine |
| (b) | Roller (Mill) | Rs. 10 per roller |
| 3. | Edible Oils- | |
| (a) | Ghani | Rs. 4 per Ghani |
| | Extract by- (b) Mills | Rs. 10 per year |
| 4. | Other foods- | |
| 1. (a) | Vanaspati | Manufactured with help of power - Rs. 50 |
| (b) | Biscuits | |
| (c) | Sugar | |
| (d) | Rice (Mill) | |
| 2. (a) | Biscuits and other bakery products | Manufactured with out power Rs. 10 |
| (b) | Ice-creams | |
| (c) | Aerated water | |
| (d) | Non-alcoholic beverage | |
| (e) | Jaggery | Rs. 5 |
| 3. (a) | Rice Hullers | Rs. 10 |
| (b) | Cereal and Gram hullers | |

For two or more articles of food the licence fee should be for one item only for which the highest licence fee has been prescribed. Table-II Licence required for the purpose of sale of any article of food by wholesalers under Rule 7 of the Orissa Prevention of Food Adulteration Rules, 1959 Wholesaler (who sells for the purpose of retail sale)-

- | | |
|--|-----------------|
| (a) Milk | Rs. 10 per year |
| (b) Ghee | |
| (c) Edible Oils | |
| (d) Wheat products (Atta, Maida, Suji) | |
| (e) Vanaspati | |
| (f) Sweet-meat and Saveries | |
| (g) Aerated water and non-alcoholic beverage | |
| (h) Bakery products and lozenges and confectioneries | |
| (i) Tea, Coffee, Sago, Arrowroot, Barley | |
| (j) Vegetables | |
| (k) Cereals and Grams | |
| (l) | |

The other food except fruit products covered under the Food Products Order, 1955

For two or more items of food the licence fee should be for one item only for which highest licence fee has been prescribed. Table-III Name of the articles of food for selling which a retailer or a street hawker shall make a licence under these rules

(1)	(2)
(a) Milk	
(b) Ghee	
(c) Cheese	
(d) Khoa	
(e) Rabidi	
(f) Dhali	
(g) Edible Oils	
(h) wheat products (Maida, Atta, Suji)	
(i) Vanaspati	
(j) Sweetmeat and savories	Retailers-(one who sells his products in one place in a shop for use of consumers) Rs. 5/-
(k) Non-alcoholic beverages and aerated water	
(l) bakery products and confectioneries	
(m) The other food articles except food products covered under the Food Products Order, 1955	
(n) Tea and coffee	
(o) Arrowroot and Barley	
(p) Cereal products fried (Bara, Pajji, Gulgula, Pakoda)	Street hawkers (one who sells moving about e.g., milkman, milkmaid -Rs. 2 per year
(q) Starchy food fried and pulled and pressed rice	
(r) Jaggery	
(s) Meat, fish, egg and dried fish	
(t) Cereals and grams	
(u) The other food articles except the Food Products Order, 1955	
(v) Hotels and Restaurants (Town and Notified Area Councils)	Rs. 10
(w) Hotels and Restaurants (Villages)	
(x) Tea shops (Towns)	Rs. 6
(y) Tea shops (Villages)	Rs. 2

For one or more articles of food the fee should be for one item only for which the highest licence fee has been prescribed. A licence issued will cover for any number of articles. (2) For a licence for the purpose of sale of any article of food a fee for every licence shall be payable by the dealer as shown

below :

Rs.

- (a) Wholesaler 10 per year
- (b) Retailers 5 per year
- (c) Street hawkers 2 per year

(3)The fees specified above shall be paid in the local Treasury or the State Bank of India, or its branches, under the Head "XX VIII Public Health-Miscellaneous Receipts."(4)No licence shall be necessary for manufacturing any article of food if it is required for personal or family consumption, religious offerings, banquet or for community social functions.(5)An application for licence shall be made to the Food (Health) Authority in Form 'A' and shall be accompanied by the chalan showing payment of the fees above mentioned.(6)A licence shall be issued in Form 'B'

8. Authority to grant licence.

- If so empowered by the Food (Health) Authority, District or Municipal Health Officer may grant a licence under the Act.

9. Conditions of licence.

(a)A person to whom a licence has been granted shall maintain an account of the stock of articles manufactured by him in Form 'C' and a stock and sale register in Form 'D' and the particulars entered therein shall be complete and correct.(b)Allow inspection of the registers at all reasonable times by the Food Inspector having jurisdiction, the licensing authority, or any person duly authorised in this behalf by licensing authority.

10. Suspension or cancellation of licence.

- A licence shall be suspended or cancelled by the authority who has granted the licence if the licence is found to be dealing with any contaminated, stale, unwholesome or noxious food:Provided that no such suspension or cancellation shall be made without giving the licensee a reasonable opportunity of being heard.

11. Power of purchaser to analyse food.

- If purchaser of food, other than a person authorised for making such purchase by a local authority or by the State Government, wishes to have any article of food mentioned in Column (1) of the table given below analysed, he shall deposit a fee for the analysis of every sample of such food sent by him to the public analyst of the local area concerned that the rate specified against each article in Column (2) thereof in the manner laid down in Sub-rule (3) of Rule 7 and shall send the challan showing the deposit along with the sample.

Nature of work(1)

Rate of fees(2)

1. Chemical examination of butter Ghee, Oils	8
2. Examination of milk	8
3. Examination of atta, flour	10
4. Examination of ice cream	10
5. Examination of inorganic dye in any article of food	10
6. Examination of tea	10
7. Examination of coffee	10
8. Examination of vegetable products	8
9. Examination of vinegar	8
10. Examination of other foods	8

12.

Local authority means in the case a local area in a particular revenue district which is not a Municipality or Notified Area-The District Health Officer of that district.

Form 'A'[See Rule 7 (5)]Application for licence for manufacture for sale/storage for sale/ distribution of the foodI/We resident of.....by occupation hereby request for a licence for manufacture for sale/storage for sale/distribution of the food....., and I/we undertake to comply with the conditions applicable to the licence.Date.....Signature.....Full address.....Form 'B'[See Rule 7 (6)]Condition of licenceDate.....Licence for manufacture for sale/storage for sale/distribution of the food.....The licence is issued to S/o.....resident of for manufacture for sale/storage for sale/distribution of the food on the premises situated at..This licence shall be in force for the calendar year ending with. It is granted subject to the conditions prescribed in the Prevention of Food Adulteration Rules, 1955.The licence should be suspended or cancelled forthwith if the licensee is found to be dealing with food harmful to health as indicated in Rule 2 (b) of the rules.Licensing AuthorityDate.....Date of renewalForm 'C'[See Rule 9 (a)]Form of Register to be maintained by licensees of certain categories

Serial No.	Date	Name of food								
Manufactured	Sold	Purpose for which sold	Stock of balance in	Remarks						
Description	Quantity	Description	Quantity	Description	Quantity					
1	2	3	4	5	6	7	8	9	10	

Form 'D'[See Rule 9 (b)]Form of Register to be maintained by a licensee

Serial No.	Date	Name of food	Description	Name of food						
Quantity in balance at the time of close of business on the proceeding day	New supply, if any	Quantity sold	Sources of supply	Balance at the time of close of business	Remarks					
1	2	3	4	5	6	7	8	9	10	