

The M.P. Prevention of Food Adulteration Rules, 1962

MADHYA PRADESH

India

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Rule

THE-M-P-PREVENTION-OF-FOOD-ADULTERATION-RULES-1962 of 1962

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The M.P. Prevention of Food Adulteration Rules, 1962Published vide Notification No. 791-4443-17-Med-4, dated 13-3-1962, M.P. Rajpatra Part 4 (Ga), dated 13-4-1962 at pages 174-179In exercise of the powers conferred by Section 24 of the Prevention of Food Adulteration Act, 1954 (No. 37 of 1954), and in supersession of all rules, regulations and bye-laws previously made on the subject the State Government, after consultation with the Central Committee for the 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 extent.

(1)These rules may be called the Madhya Pradesh Prevention of Food Adulteration Rules, 1962.(2)They extend to the whole of the State of Madhya Pradesh.

2. Definitions.

- In these rules, unless the context otherwise requires :-(a)"Act" means the Prevention of Food Adulteration Act, 1954 (No. 37 of 1954);(b)"Central Rules" means the Prevention of Food Adulteration Rules, 1955;(c)"Form" means a form appended to these rules;(d)"Health Officer" includes Civil Surgeon, District Medical Officer, District Medical Officers of Health, Additional Civil Surgeon Assistant Surgeon, Assistant Director of Health Services, Deputy Director of Health Services, Assistant Health Officer, Medical Officer of Health or any other officer who is empowered to carry out the duties of a Health Officer;(e)"Section" means a section of the Act;(f)"Schedule" means a schedule appended to these rules.

3. Food (Health) Authority and its powers and duties.

(1)The Director of Health Services, Madhya Pradesh (being the Chief Officer in charge of the Health Administration in the State of Madhya Pradesh) shall be the Food (Health) Authority (hereinafter referred to as the "Authority").(2)The Authority shall be responsible for the general superintendence of the administration and enforcement of the Act.(3)The Authority shall for giving effect to the provisions of the Act have control over the Public Health Laboratories maintained by the State Government and local authorities and the Public Analyst and Food Inspectors appointed under the Act.(4)the Authority may given to a local authority all such directions as it may consider necessary in regard to any matter connected with the enforcement of the Act and the rules made thereunder and the local authority shall comply with such directions.(5)The Authority wherever called upon to do so shall advice the State Government or the local authority, as the case may be, in matters relating to the administration and enforcement of the Act.

4. Powers and duties of Local Authority.

(1)Subject to the provisions of Rule 3, the local authority shall be responsible for the proper day to day administration and enforcement of the Act within its jurisdiction.(2)The local authority shall appoint a Health Officer or Health Officers for the purposes of the Act, having jurisdiction over the whole or part of its area as it may specify.(3)The local authority may appoint persons in such number as it thinks fit, having qualifications prescribed under the Central Rules, to be Food Inspectors for the purposes of this Act, they shall exercise powers within such local areas as it may assign to them, with the approval of the Authority.(4)The local authority shall appoint such Officers as it thinks fit to be licensing within its jurisdiction for the purposes of clause (b) of sub-section (2) of Section 24 of the Act.

5. Licences.

(1)Any person desiring for the manufacture for sale, for the storage, for the sale or for the distribution of articles of food in respect of which a licence is required under Rule 50 of the Central Rules shall apply for a licence in Form A to the Licensing Authorities appointed by the local authority accompanied by the necessary fees specified in the Schedule.(2)the applicant shall submit along with the application for licence, block plans in triplicate showing :- (a)the actual area of the premises which is intended to be used for the purpose for which licence is applied for; and (b)the position at which the various operations connected with such purposes are to be carried on.(3)On receipt of such application and plans, a Licensing Authority shall inspect the said premises and shall grant a licence in Form B if it is satisfied that the premises are free from sanitary defects and the applicant complies with other conditions of holding the licence.(4)A licence granted under these rules shall, unless sooner suspended or cancelled be valid for the period beginning on the date of issue and ending on the 31st day of March next following.(5)The licence shall 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 for breach of any of the provisions of the Act or rules made thereunder the conditions of licence.(6)Where the Licensing Authority refused to grant a licence, or suspends or cancels any licence, it shall, before making an order in that behalf,

require the applicant or, as the case may be, the licensee, to show cause within specified time why such order should not be made. If the applicant, or the licensee does not show any cause within the specified time, or shows cause which in the opinion of the licensing authority is not satisfactory the Licensing Authority concerned shall make an order accordingly.(7)Any person aggrieved by the decision of the Licensing Authority under this rule, may appeal to the local authority within 30 days of the date on which the order is communicated to him.(8)No holder of a licence shall be entitled to any compensation or suspension of licence nor to a refund of any fee paid in respect thereof.(9)The fee payable for the licence shall be according to the rates specified for them in the Schedule.(10)Any food, which is declared as not intended for human consumption by a label or notice board should not be manufactured, stored or sold on the same premises where other articles of food are manufactured, stored or sold under the licence.

6. Fees for analysing articles of food.

- The following fees shall be payable for analysing the articles of food in Government Public Health Laboratories (Food Laboratories) in the State : (1)(a)For local authorities at a uniform rate of Rs. 3 per sample or each article of food analysed.(b)The local authorities shall render their account and pay their charges half yearly.(2)For private persons - At a uniform rate of Rs. 10 per sample or each article of food analysed.Note. - Fifty per cent of the fees received from private persons should be credited to Government and the remainder 50 per cent should be allowed to the officer concerned, who may share the amount with his assistants and subordinates in such manner as he considers equitable.

7. Fee for analysing articles of food in Public Health Laboratories maintained by local bodies.

- The following shall be payable for analysing the articles of food in Public Health Laboratories (Food Laboratories) maintained by local bodies in the State : No fee will be charged for samples by the Food Inspectors appointed by the State Government.(1)(a)For private persons-At a uniform rate of Rs. 10 per sample or each articles of food analysed.Note. - Fifty per cent of fee received from private persons should be credited to Local Body concerned and the remainder 50 per cent should be allowed to officer concerned, who may share the amount with his assistants and subordinates in such manner as he considers equitable.

8. Fees payable to Public Analyst for attending Court.

- The fee payable to a Public Analyst for attending the Court shall be Rs. 10 per day in every case, plus usual allowances admissible under the relevant rules of the State. The party requiring the attendance of the Public Analyst in the Court shall deposit such fees in advance in the Court and the Court will pay the fees to the Public Analyst.

9. Payment of fines to local authorities.

- All fines imposed by the Court under the provisions of the Act, or the rules framed thereunder shall in first instance be credited to Government and 50 per cent of the fines so realised shall be paid to the local authority within whose jurisdiction the offence was committed. Form A [See Rule 5] Form of Application To, The Licensing Officer, Municipality/Corporation/Local Authority

of.....I/We

(name).....Address.....hereby apply for a licence under the provisions of the Prevention of Food Adulteration Act, 1954, and the rules made thereunder for the manufacture for sale, for storage, for sale/for distribution of articles of food specified below in the premises situated at.....within the limits of.....Municipality/Corporation/Local Authority of.....

2. Classes of articles of food for which a licence is prayed for :

3. I/We shall abide by the Prevention of Food Adulteration Act, 1954 and the rules made thereunder and carry on the aforesaid trade, subject to restrictions and conditions imposed by the licence.

4. The receipt cheque for Rs..... being the fees for the licence, as per the Schedule is enclosed herewith.

Dated.....Applicant's Signature Form B [See Rule 5] Form of

Licence No.....Dated.....Licence for the manufacture for sale/for the storage, for sale/for the distribution.....of.....The licence is issued to

Shri.....address.....for the manufacture for sale/storage for sale/distribution of articles of food specified below on the premises, situated at.....This licence shall be in

force up to the 31st March next following. Particulars of articles of food.....This licence is issued subject to the provisions of the Prevention of Food Adulteration Act, 1954 (No. 37 of 1954), and the rules made thereunder and the following conditions, namely :-

1. The licensee, his agent and/or any person in his employ shall on being requested by any Food Inspector, or the licensing authority or Health Officer furnish a full description of the person and place from which the article of food which he manufactures, store or distributes, exposes or offers for sale is obtained.

2. The licensee shall always obtain his supplies from a place which is not objectionable on sanitary grounds. He shall always permit the food inspector, the licensing authority or the Health Officer to enter such place for the purposes of inspection.

3. The licensee shall not at any time manufacture, sell, store or distribute during the period of his licence any article of food in contravention of the conditions of this licence.

4. (a) The licensee shall cause every part of the internal surface of the walls and ceiling of every room or in which article of food is manufactured, sold, stored, or distributed by him to be thoroughly whitewashed twice at least in every year or more often if the person authorised to inspect requires.

(b)The licensee shall also cause the floor of every such room or place to be paved throughout with suitable impervious material and so sloped as to ensure effectual drainage when cleared or washed.(c)The licensee also cause the floor and drain of every such room or place and every counter shelf or bench on which vessels containing the licensed articles are kept to be washed and thoroughly cleansed daily.

5. The licensee shall cause every vessel used in his establishment for storage or distribution of the licensed articles to be rinsed with boiling water, thoroughly cleaning them before and after use.

6. The licensee shall not use any 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 and the local authority.

7. Any counters or tables used for keeping vessels for the manufacture or sale, storage, distribution, shall be covered with zinc sheets or other suitable impervious material so as to be easily washed and cleansed.

8. The walls should be rendered smooth and impervious to a height of 5 with glazed tiles or cement.

9. The licence shall be valid only for the premises, godowns or space (or in the case of a transient vendor, the area) specified in the licence.

10. If the licence-holder leaves to give the possession of the premises for which the licence is granted during the period of licence he shall forthwith inform the Licensing Authority.

11. The licensee shall cause the licence to be effected in some conspicuous part of the premises, godown or space for which the licence has been granted.

12. The licensee shall not sell, store or distribute both edible and non-edible oils in the same premises for which the licence has been issued.

Place.....DateLicensing Authority

[Schedule] [Substituted by Notification No. F-14-10-2001-XVIII-Medi-2, dated 18-3-2005.][See Rule 5] Fee for Grant/Renewal of Licences

S. No.	Traders	Licence fee in Rupees
(1)	(2)	(3)
1.	Manufacturer who manufactures any article of Food in bulk in a "factory" as defined in the Factories Act, 1948 (No. 63 of 1948) for sale.	1,500.00
2.	Other manufacturers including hotels, restaurants and eating places, which do not come under "factory" as defined in the Factories Act, 1948 (No. 63 of 1948).	500.00
3.	Wholesaler who sells in bulk mainly for the purpose of resale by the retailer.	500.00
4.	Retailer who sells directly to the individual consumers.	100.00
5.	Hawker who carries on his business from door to door and not on any fixed premises.	20.00]