

Prevention of Food Adulteration (Punjab) Rules, 1958

PUNJAB

India

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Rule

PREVENTION-OF-FOOD-ADULTERATION-PUNJAB-RULES-1958 of 1958

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Prevention of Food Adulteration (Punjab) Rules, 1958Published vide Punjab Government
Notification No 12433-6HB-II- 58/1663 dated 11-12-1958Part-1 Preliminary

1. Short title, extent and commencement.

(1)These rules may be called the Prevention of Food Adulteration (Punjab) Rules, 1958.(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 (No. 37 of 1954);(b)"Form" means a form appended to these rules ;(c), (d) [***] [Clauses (c) and (d) omitted by Government of Punjab Notification No. GSR 39/CA-37/54/Section 24/Amd. (2)/84, dated 4.4.1984](e)['retailer' means a person who sells an article of food directly to a consumer, other than a bulk consumer; [Substituted by Government of Punjab Notification No. GSR 39/CA 37/54/Section 24/Amd. (2)/84, dated 4.4.1984.](f)'wholesaler' means a person who ordinarily sells an article of food to a retailer or to a bulk consumer].

Part II

3. Power of Food (Health) Authority

- The State Government may, by an order [notified in the Official Gazette] [Substituted by Government of Punjab Notification No. 39/CA 37/54/Section 24/Amd. (2)/84, dated 4.4.1984] delegate its powers to appoint food inspectors, to authorise a person to institute prosecution for an

offence under the Act and such other powers exercisable by it under the Act as may be specified in the order to the Food (Health) Authority of the State of Punjab.

4. Licensing Authority and licences:

(a)The local authority or any officer authorised by it by order in writing in this behalf shall be the licensing authority in its local area for purposes of issuing licences for the manufacture for sale, for storage, for the sale or for the distribution of the articles of food in respect of which a licence is necessary under the Prevention of Food Adulteration Rules, 1955.(b)[(i) An application for licence to manufacture for sale or store, sell, or distribute any article of food for which a licence is required shall be made in Form A to the licensing authority and shall be accompanied by a fee of ten rupees in the case of wholesaler and five rupees in the case of retailer : [Substituted by Government of Punjab Notification No. GSR 158/CA 3754/Section 24/66, dated 19.7.1966.]Provided that a fee of two rupees in the case of a wholesaler and fee of fifty paise in the case of retailer, hawker or an itinerant vendor shall be charged per month if the licence is required for a period of less than a year :Provided further that the duration of a licence granted for a period of less than a year shall not exceed beyond the 31st March immediately succeeding the date of issue].(ii)The fee shall be credited to the local authority within whose jurisdiction the premises are situated.(iii)The validity of every licence shall terminated on the 31st day of the March immediately succeeding the date of issue.(iv)Any person whose application for a licence has been rejected shall have a right of appeal to the District Magistrate [within one month of the receipt of orders of the licensing authority and decision of the District Magistrate in appeal shall be final.](c)A licence shall be issued in Form B.(d)[A licence for the whole year shall be issued in Form B and a licence for a period of less than a year shall be issued in Form C. [Substituted by Government of Punjab Notification No. GSR 158/CA 3754/Section 24/66, dated 19.7.1966.](e)An application for the renewal of the licence shall be made to the licensing authority before the 25th of March every year :Provided that if a person fails to apply for the renewal of his licence before 25th March, he shall pay an additional fee of two rupees in the case of a wholesaler and one rupee in the case of retailer :Provided further that a licence granted for a period of less than one year shall not be renewed.(f)if the licensing authority is satisfied that a licence granted under these rules has been defaced, damaged, lost or otherwise mislaid, he may on application, after such verifications as he may deem fit, grant a duplicate licence to the application on payment of a fee one rupee. The word "duplicate" shall be clearly written in red ink across any such duplicate licence and initialled by him.(g)The licensee shall not be entitled to the refund of the licence fees if his licence is cancelled due to non-compliance of the conditions of the licence.]

2A. [Conditions for the grant of licences [Added by ibid Government of Punjab Notification No. GSR 158/CA 3754/Section 24/66 dated 19.7.1966.] - A licence in form B shall be subject to the following conditions :-

(a)The licensed premises shall be kept structurally fit for the purpose for which the licence is granted. "Structural Fitness" shall be deemed to include (a) the existence of a floor made of stone, cement or other non-absorbent impervious material (b) possession of walls properly plastered and lime-washed, (c) adequate provisions of light and ventilation and (d) suitable drainSection(b)The

licensee shall daily cause to be thoroughly washed cleaned the floor or drain of the licensed premises and every bench, counter, table, shelf or other place on which the articles manufactured, prepared or exposed for sale or any material used in such manufacture, preparation or exposure for sale are kept.(c)The walls of the licensed premises shall be properly lime washed at least twice a year and more often if required by the [Local (Health) Authority].(d)The licensed premises shall not spit or smoke or allow any person to spit or smoke within the licensed premises.(e)The licenced premises shall be kept neat and clean and no dirty or soiled clothes and bedding or unhygienic articles shall be kept where manufacture or exposure for sale of cooked food takes place.(f)The licensee shall not use or permit to be used in such manufacture for sale any water except water obtained from a source and conveyed to the licenced premises in a manner approved by the [Local (Health) Authority] [Substituted by Government of Punjab Notification No. GSR 39/CA 37/54/Section 24/Amd.(2)/84, dated 4.4.1984.]. The storage of water, if any, on the premises shall be done in a manner approved by the [Local (Health) Authority] [Substituted by Government of Punjab Notification No. GSR 39/CA 37/54/Section 24/Amd.(2)/84, dated 4.4.1984.]. When required by the [Local (Health) Authority] [Substituted by Government of Punjab Notification No. GSR 39/CA 37/54/Section 24/Amd.(2)/84, dated 4.4.1984.] all water used on the premises shall be treated with such chemical substance, and of such strength as may determine to ensure the purity of water and to avoid the spread of disease.(g)The licensee shall not permit any manufactured food to be wrapped in dirty or spoiled paper, cloth or leaves.(h)If required by the [Local (Health) Authority] [Substituted by Government of Punjab Notification No. FSR 39/CA 37/54/Section 24/Amd. (2)/84, dated 4.4.1984.], the licensee shall present any person employed on the premises to be tested for the purpose of ascertaining whether he is carrier of any infectious disease.(i)The licensee shall provide a receptacle of sanitary type approved by the [Local (Health) Authority] [Substituted by Government of Punjab Notification No. FSR 39/CA 37/54/Section 24/Amd. (2)/84, dated 4.4.1984.] at place fixed for the purpose for the collection of waste material and other rubbish.(j)The licensee shall provide a proper place of sanitary type approved by the [Local (Health) Authority] [Substituted by Government of Punjab Notification No. FSR 39/CA 37/54/Section 24/Amd. (2)/84, dated 4.4.1984.] for washing hands and for washing and cleaning of vessels, receptacles, utensils and other such things used.(k)The licensee shall make ample provision for the exit of smoke or other offensive gases emitted during the process of cooking.(l)The drainage of the premises shall be connected with the recognised system of drainage, if any, in existence in the neighbourhood.(m)The licensee shall keep manufactured food in such a manner that it does not decompose or deteriorate or become poisonous or contaminated from any source, whatsoever.(n)The licensed premises shall be open without the notice and at all reasonable time to inspection by the [Local (Health) Authority] [Substituted by Government of Punjab Notification No. FSR 39/CA 37/54/Section 24/Amd. (2)/84, dated 4.4.1984.].(o)Every gowala or a milk seller who brings cow's milk from a village to a town for sale shall produce a certificate from the Gram Panchayat that he is actually having a cow before his licence for the sale of cow's milk is granted or renewed].

5. Fees

(a)The fee to be charged by the Public Analyst, Punjab, for analysing articles of food under the Act shall be Rs. 5 per sample if sent by a local authority [and one rupee per sample, if sent by a purchaser] under Section 12 of the Act.(b)The Public Analyst of a laboratory maintained by local

authority shall charge Rs. 5 per sample sent by another local authority and fee at the following rates for a sample sent by an intending purchaser of a food article in order to ascertain the state of its purity :

Ghee, butter, milk and curd Rs. 2 per sample.

Red chillies, tea, haldi and other such articles Rs. 4 per sample.

(c)(i) In the case of a laboratory maintained by a local authority five per cent of total number of samples (third part) analysed in the said laboratory shall be analysed free of charge by the State laboratory, provided [Local (Health) Authority] [Substituted by Government of Punjab Notification No. GSR 39/CA 37/54/Section 24/Amd.(2)/84, dated 4.4.1984.] certifies that this second analysis is needed for the purposes of control.(ii) The Food (Health) Authority or the Punjab Analyst, Punjab, may call for a second analysis of any sample that has been analysed in a laboratory of local authority for the sample purpose, and in such circumstances no fee will be charged by the State laboratory for the analysis.

6. Fee prescribed for obtaining a copy of Certificate of the Published Analyst

- Any person from whom a sample is seized under the Act for analysis, may obtain a copy of the analysis certificate of the Public Analyst in respect of such articles on payment of a fee of Rs. 2.

7. Fees how to be paid to the Public Analyst (Punjab)

(a) The fees prescribed shall be deposited in advance into the local treasury under the appropriate head and the receipt shall be forwarded to the Public Analyst simultaneously with the sample of food sent for analysis or with the application for a copy of the certificate of analysis or the fee may directly be sent to the Public Analyst by money order.(b) In the case of Food Laboratory maintained by a local authority, the fee shall be payable to the local authority concerned.

8. Share of local authority out of fines

- The local authority shall be paid 50 per cent of fine imposed by the trying Magistrate on realization of fine for the prosecution.

Form A[See Rule 4(b)(i)]Application for licence for
 _____ of the food sale/storage for sale/distribution I/We
 _____ resident of _____ by
 occupation _____ hereby apply for licence for manufacture for
 sale/sale/storage for sale/distribution of the food _____ on the premises situated
 at _____ Date _____ Signature _____
 _____ Address _____ Form B[See Rule 4(c)]manufacture for
 saleLicence for manufacture for sale/sale/storage/distribution of the foodThis licence is issued to
 Shri _____ son of _____ resident of
 _____ for manufacture for sale of food/sale of the
 food/storage for sale of food/distribution of the foodOn the premises situated at
 _____ The licence shall be in force for the financial year and

subsequently for the financial year in which it is renewed. Date of renewal

1.

2.

3.

4.

Licensing Authority