

# The Milk and Milk Product Order, 1992

UNION OF INDIA

India

## The Milk and Milk Product Order, 1992

### Rule THE-MILK-AND-MILK-PRODUCT-ORDER-1992 of 1992

- Published on 9 June 1992
- Commenced on 9 June 1992
- [This is the version of this document from 9 June 1992.]
- [Note: The original publication document is not available and this content could not be verified.]

The Milk and Milk Product Order, 1992Published vide Notification Gazette of India, (Extraordinary), Part 2, Section 3 (2), dated 9th June, 1992, vide Notification No. S.O. 405 (E) dated 9th June, 1992Last Updated 26th July, 2019In exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order, namely,-

#### 1. Short title, extent and commencement.

(1)This Order may be called the Milk and Milk Product Order, 1992.(2)It extends to the whole of India.(3)It shall come into force on the date of its publication in the official Gazette.

#### 2. Definitions.

- In this Order, unless the context otherwise requires,-(a)"Act" means the Essential Commodities Act, 1955 (10 of 1955),(b)"Board" means the Milk and Milk Product Advisory Board constituted under Paragraph 3;(c)"business in milk and milk product" means sale or purchase of milk or milk product and includes manufacturing, processing, handling or controlling of milk or milk product;(d)"Chairman" means the Chairman of the Board;(e)"Controller" means an Officer of the Central Government appointed under Paragraph 12;(f)"milk" means milk of cow, buffalo, sheep, goat or a mixture thereof, either raw or processed in any manner and includes pasteurised, sterilized, recombined, flavoured, acidified, skimmed, toned, double toned, standardised or full cream milk;(g)"milk product" means cream, malai, curd, yogurt, skimmed milk curd, shrikhand, paneer or channa, skimmed milk paneer or skimmed milk channa, cheese, processed cheese and cheese spread, ice cream, milk ices, condensed milk (sweetened and unsweetened), condensed skimmed milk sweetened and unsweetend), whole milk powder, skimmed milk powder, partly skimmed milk powder, khoya, rubri, kulfi, kulfa, casein, sweets made from khoya, paneer and channa, infant milk food, table butter, deshi butter, ghee or butter oil, and includes any other substance containing; on a dry weight basis, not less than fifty per cent of milk solids (excluding

added sugars), or any other substance declared by the Central Government, by notification as a milk product;(h)"milk shed" means an area geographically demarcated by the registering authority for the collection of milk or milk product by the holder of a registration certificate;(i)"milk producer" means a person owning or keeping or otherwise having control of cow, buffalo, sheep or goat for the production of milk intended for sale or for conversion thereof to any milk product;(j)"milk solid" means anhydrous constituents of milk and includes milk fat and non-fat milk constituents either singly or in combination in any proportion;(k)"registration certificate" means a registration certificate issued under this Order;(l)"Registering Authority" means an authority appointed or designated, subject to the provision of sub-paragraph (2) of Paragraph 31, by the Central Government to make registration and to issue registration certificates under this Order;(m)"Schedule" means a Schedule appended to this Order.

### 3. Milk and Milk Product Advisory Board.

(1)As soon as may be after the commencement of this Order, but not later than [two hundred and seventy days] [Substituted by S.O. 111 (E), dated 17th February, 1993, for 'two hundred and twenty days'.] from such commencement, the Central Government shall, by notification in the Official Gazette, constitute a Board to be called the Milk and Milk Product Advisory Board which shall consist of the following namely,-

- |     |                                    |          |
|-----|------------------------------------|----------|
| (I) | Official Members.-                 |          |
|     | Secretary to the                   |          |
|     | Government of India,               |          |
| (a) | Department of Animal Husbandry and | Chairman |
|     | Dairying, Ministry of              |          |
|     | Agriculture(ex officio).           |          |
|     | [** *] [Omitted by S.O.            |          |
| (b) | 111 (E), dated 17th                |          |
|     | February, 1993.]                   |          |
|     | Joint Secretary to the             |          |
|     | Government of                      |          |
| (c) | India, Department of               | Member   |
|     | Industrial                         |          |
|     | Development, Ministry              |          |
|     | of Industry(ex officio).           |          |
|     | Joint Secretary to the             |          |
|     | Government of                      |          |
| (d) | India, Ministry of Food            | Member   |
|     | Processing                         |          |
|     | Industries(ex officio).            |          |
| (e) | Additional Director                | Member   |
|     | General of Health                  |          |

- Services, Government of India, Department of Health, Ministry of Health and Family Welfare(ex officio).  
Director, National Dairy Research Institute, Indian Council of Agricultural Research, Karnal(ex officio). Member
- (f)
- Managing Director, National Dairy Development Board, Anand(ex officio). Member
- (g)
- Managing Director, National Cooperative Dairy Federation of India, Anand(ex officio). Member
- (h)
- one representative each from four States, not below the rank of Secretary in charge of Dairy Development in that State by rotation: [[Inserted by S.O. 639 (E), dated 27th August, 1993.]]
- (i) [ [[Inserted by S.O. 639 (E), dated 27th August, 1993.]]
- Provided that while constituting the Board due regard shall be given, as far as possible to give representation to the four geographical regions of the country viz. North, East, South and West(ex-officio) [[Inserted by S.O. 639 (E), dated 27th August, 1993.]] [Member] [[Inserted by S.O. 639 (E), dated 27th August, 1993.]]

(II)

- Non-Official  
Members:
- (a) Two representatives  
from the  
cooperatedairying  
sector. Member
- (b) Two representatives  
from the private sector  
fromamongst those Member  
engaged in the  
business of milk or  
milk product.
- (c) [One representative  
from Consumer Member]  
Organisation. [[Inserted by  
[[Inserted by S.O. 639 S.O. 639 (E),  
(E), dated 27th dated 27th  
August,1993.]] August,1993.]]
- (III) [Secretary of the  
Board. [[Substituted  
by S.O. 111 (E), dated  
17th February,1993.]]
- Joint Secretary (Dairy  
Development),  
Departmentof Animal Member-Secretary.]  
Husbandry and [[Substituted by  
Dairying, Ministry of S.O. 111 (E), dated  
Agriculture(ex-officio) 17th  
[[Substituted by S.O. February,1993.]]  
111 (E), dated 17th  
February,1993.]]

(2)The non-official members [\* \* \*] [The words 'Member Secretary' omitted by S.O. 111 (E), dated 17th February, 1993.] of the Board, shall be appointed by the Central Government by notification, for a period of three years.[(2-A) The States referred to in clause (i) shall be represented in the Board for a period of three years.] [Inserted by S.O. 639 (E), dated 27th August, 1993.](3)The terms and conditions of appointment of the [\* \* \*] [The words 'Member Secretary' omitted by S.O. 111 (E), dated 17th February, 1993.] the non-official members shall be such as the Central Government may from time to time determine.(4)A non-official member [\* \* \*] [The words 'Member Secretary' omitted by S.O. 111 (E), dated 17th February, 1993.] may resign from his office by a notice in writing addressed to the Chairman.(5)In the absence of the Chairman, or for the duration for which there is no Chairman, as the case may be, the Joint Secretary to the Government of India, in charge of Dairy Development in the Department of Animal Husbandry and Dairying, Ministry of Agriculture shall act as Chairman.(6)The Board shall meet at least four times in a calendar year.(7)If any vacancy occurs due to death, resignation or otherwise in the office of any non-official member of the Board, the vacancy so caused shall be filled in accordance with the provisions of sub-paragraph (2) above and every person so appointed shall hold office for the remaining period for which the non-official member in whose place he is appointed would have held the Office.(8)The quorum for the meeting

of the Board shall be five members.(9)The Board shall regulate its proceedings in such manner as deems proper, but on any matter on which the votes of the Board are equally divided, the Chairman or the person presiding over the meeting shall have a second or casting vote.

#### **4. Functions of the Board.**

(1)The Board shall assist, aid and advise the Central Government on any matter concerning the production, manufacture, sale, purchase and distribution of milk and milk product and on matters incidental thereto.(2)Without prejudice to the generality of the provisions of subparagraph (1), the Board may advise the Central Government on matters relating to,-(a)facilitation of the supply of availability of liquid milk, by balancing uneven supplies in different regions and seasons;(b)maintenance or increase in the supply of milk, and equitable distribution and availability thereof;(c)establishment of proper standards and norms for control and handling of milk and milk product;(d)maintenance of high standards of sanitary and hygienic conditions in the manufacture of milk and milk product;(e)establishment, promotion or registration of any industry which is relatable to milk product; and(f)such other purposes as are necessary or incidental to the effective implementation of the Order.(3)Where the Central Government considers that the expertise of the Board may be utilised in the implementation of this Order in any respect, it shall be competent for the Central Government to direct that any of its functions relating to the implementation of the Order shall be performed by the Board, subject to such conditions, restrictions and limitations as the Central Government may specify, whereupon it shall be competent for the Board to discharge those functions.

#### **5. Registration.**

(1)On and from the date of commencement of this Order, no person shall manufacture or carry on business in milk or any milk product nor create any manufacturing facility for the business, unless such person has made an application [\* \* \*] [The words 'within ninety days from such commencement' omitted by S.O. 639 (E) dated 27th August, 1993.] in the form specified in the First Schedule along with the prescribed fee to the registering authority for obtaining the registration certificate.(2)The provisions contained in sub-paragraph (1) shall apply to such person who handles or is equipped to handle or who has in the establishment or unit under his ownership or control (or where he has more than one such establishment, all the establishments put together) installed capacity for handling milk in excess of ten thousand litres per day, or milk product containing milk solids in excess of five hundred tonnes per annum.(3)Where any person or undertaking or establishment or unit, who or which was duly authorised immediately before the date of commencement of this Order, to handle, process or manufacture milk or any milk product after obtaining licence or registration certificate under the Industries (Development and Regulation) Act, 1951 (65 of 1951), every such person, undertaking, establishment or unit holding such licence or registration certificate shall also make an application for registration under sub-paragraph (1) together with the prescribed fee.(4)In the case of licence or registration certificate referred to in sub-paragraph (3), the terms and conditions of the registration under this Order shall cover only matters such as the specification of milkshed or any other matter which does not fall within the purview of the Industries (Development and Regulation) Act, 1951 (65 of 1951).(5)On receipt of the

application, the registering authority may call for such other particulars as it may deem necessary for arriving at a decision about the matter of registration and the applicant shall be bound to furnish the same within such period as may be specified by the registering authority in this behalf.(6)After making such enquiries as it may deem fit,-(a)in respect of applicant referred to in sub-paragraph (3), the registering authority shall make the registration and issue the registration certificate to the applicant in the form specified in the Second Schedule;(b)in cases, where an application is made under sub-paragraph (1), the registering authority may, after making such enquiry as it may deem fit,-(i)make the registration and issue the registration certificate in the form as specified in the Second Schedule subject to such terms and conditions as may be specified having regard to the provisions contained in sub-paragraph (8) hereinafter; or(ii)refuse the registration by specifying the reason for such rejection.(7)[(a) Every application for registration, complete in all respect shall be disposed of by the registering authority within a period of ninety days from the date of receipt of the application.(b)Notwithstanding the period specified in clause (a) if the registering authority requires any additional information with respect to any application or if any application is incomplete in any respect, the registering authority may in writing require the applicant within such period mentioned therein to supply such additional information or complete the application in all respect, as the case may be.(c)On receipt of any additional information or the complete application under clause (b), the registering authority shall dispose of the application within ninety days from the date of receipt of such completed application or additional information, as the case may be.](8)In specifying terms and conditions, the registering authority shall have regard to the following, namely.-(i)the proper utilisation of milk in the region from the milksheds;(ii)the availability of milk for the general public;(iii)the quality and quantity of milk available in the region;(iv)the remunerative price for milk;(v)the facilities available for handling milk and milk product;(vi)the policy of preferential treatment to the cooperative sector; and(vii)any other matter which may be relevant to the healthy development of the dairy industry.(9)While issuing a registration certificate under this Order, where the registering authority has specified the milkshed, the holder of the registration certificate shall be bound to confine the collection of milk to that milkshed.(10)[ Separate registration certificate shall be obtained in respect of each undertaking or establishment or unit if the holder of the registration certificate carries on business in milk or milk production in more than one premises:Provided that there shall be no need to separate registration so long as no independent business activities are carried on in these premises.(11)Every holder of registration certificate shall inform of any additions or alterations made to the premises, to the registering authorities within 30 days from the completion of addition/alteration.] [Substituted by S.O. 639 (E), dated 27th August, 1993.]

## 6. Registration and its renewal.

(1)The registration certificate issued under this Order shall be valid for a period of [five years] [Substituted by S.O. 639 (E), dated 27th August, 1993, for 'three years'.] from the date of issue.(2)Where an application for registration is made under sub-paragraph (3) of Paragraph 5, the existing terms and conditions of the licence referred to in that paragraph shall remain valid until an order for registration is passed on such application.(3)Every application for renewal of registration certificate shall be made to the registering authority in the form as specified in the Third Schedule at least sixty days before the expiry of the period of the registration:Provided that the registering authority may entertain an application received after the expiry of the said period, if he is satisfied

that there was sufficient and reasonable cause for not making the application within the said period.(4)In the case of an application for renewal of registration certificate, referred to in sub-paragraph (3) of Paragraph 5, the renewal shall not be refused unless there has been a violation of the terms and conditions of the registration under this Order:Provided that no such application shall be rejected unless the applicant has been given a reasonable opportunity for showing cause against the rejection:Provided further that a copy of the order rejecting the application shall be communicated to the applicant.

## **7. Modification, addition or alteration in equipment or premises.**

- In case of any application for registration under Paragraph 5 or for the renewal thereof under Paragraph 6, if the registering authority, on receipt of a report or otherwise, is satisfied that any modification, addition or alteration is necessary, in equipment or premises for the maintenance of optimum standards of sanitary requirements, or to ensure the quality standards of milk or milk product, or to secure cleanliness in relation to the machinery or the premises, he may, instead of issuing or renewing the registration certificate, as the case may be, issue a provisional registration certificate together with a direction to the holder of the registration certificate to carry out the modification, addition or alteration within a stipulated period, and registration shall be granted if it is complied within the said period as and in the event of any failure or default in compliance of directions, the registration shall be cancelled.

## **8. Fee for registration and renewal.**

(1)Subject to the provisions of sub-paragraph (2), the Central Government may, by order, specify the fee payable for registration and for renewal of. registration under this Order and also specify the manner in which fee shall be payable.(2)Every application for registration or for its renewal shall be accompanied by a fee of rupees one thousand only or as may be revised from time to time by the Central Government, and the fee paid by an applicant for registration or its renewal, as the case may be, shall be refunded if non-registration or its renewal is made:Provided that in the case of an application for registration or its renewal in relation to handling, processing or manufacturing of one hundred thousand litres of milk per day or any milk product containing five thousand tonnes of milk solids per annum, the same shall be accompanied by a fee of rupees five thousand only or as may be revised from time to time by the Central Government.

## **9. Transfer of registration.**

(1)In the event of death of the holder of a registration certificate, his legal representative may apply to the registering authority for transfer of registration in his favour, and the registering authority shall after making such enquiry as he may deem fit, if he is satisfied that the applicant is the legal representative, grant the registration and issue the registration certificate or, where the registering authority is not satisfied about the claim of the applicant to be the legal representative, for reasons to be recorded in writing, reject the application:Provided that no such application shall be rejected unless, the applicant has been given a reasonable opportunity for showing cause against the rejection:Provided further that a copy of the order rejecting the application shall be communicated

to the applicant.(2)When an application for transfer of registration has been made under sub-paragraph (1), the registering authority may permit the carrying on of the business in milk or milk product pending disposal of the application for registration.

## **10. Production or handling of milk or milk product.**

(1)On or after the commencement of this Order, no person to whom a registration certificate has been issued under this Order shall handle, produce or deal with any item of milk or milk product in excess of the capacity specified in the registration certificate or collect milk from outside the milkshed area specified in the registration certificate unless he obtains the previous permission of the Controller to do so.(2)Where an application is made by any holder of registration certificate for manufacturing, handling, producing or dealing in milk or any milk product in excess of the quantity specified in the registration certificate or for collecting milk from outside the area specified in the registration certificate, the Controller shall give permission for such excess quantity only for a specified duration and that too after he is satisfied that it is necessary in the public interest to allow the holder of the registration certificate to do so.(3)The Controller may, suo motu, by order, during the specified period, permit any class or category of registration certificate holders to manufacture, handle, produce or deal in any item of milk or milk product, in excess of the capacity allowed under the registration certificate, if he considers it necessary to do so in the public interest.(4)The Central Government may, by general or special order, issue directions to the Controller on the circumstances and the manner in which, he shall exercise the powers under sub-paragraph (3).

## **11. Collection of milk.**

(1)Every holder of registration certificate shall collect or procure milk only from the milkshed assigned under the registration certificate.(2)[ The milkshed shall be determined on the advice of the State Government:Provided that in case of short supply or inability of the cooperatives to meet the entire demand of milk, the same may be procured from other sources to the extent of shortfall.] [Substituted by S.O. 639 (E), dated 27th August, 1993.](3)Where the registering authority considers it necessary in the public interest, by reason of shortage of milk in the milkshed or of surplus liquid milk in an area outside milkshed area, it may permit the holder of the registration certificate to collect or procure milk from outside the milkshed, for such period, not exceeding ninety days, as it may specify in that behalf.(4)The collection of milk from outside the milkshed in accordance with sub-paragraph (3) shall be made only through cooperative milk federation or union, at a price mutually agreed upon, and in the absence of any such agreement, at the price at which the cooperative federation or union concerned sells milk to any other cooperative federation or the union.(5)The liquid milk shall not be used for making any milk product (even within the limits of capacity provided in the registration certificate) during such period as the Central Government may, by notification, in the official Gazette specify.

## **12. Appointment and functions of Collector.**

(1)The Central Government may, by notification in the Official Gazette, appoint or designate any officer of the Government, not below the rank of a Joint Secretary to the Government of India, to



exercise the powers and functions of the Controller under this Order.(2)The Controller shall, subject to the control of the Central Government, be responsible for the general implementation and control of the provisions of this Order.(3)The Controller shall, without prejudice to any other powers conferred upon him under this Order and the powers of the Central Government under Paragraph 13. be responsible for implementing the provisions of this Order and shall take such steps as may be necessary for furtherance of the purposes of this Order.

### **13. Appointment and functions of registering authority.**

(1)The Central Government may, by notification in the official Gazette, appoint or designate as many Officers of the Central or State Government or a statutory body set up by an Act of Parliament or State Legislature, as it may deem fit, as registering authority and specify their respective jurisdiction.[Provided that the registration of units handling up to 75,000 litres of milk per day or 3750 mt. of milk solids per annum where the entire milkshed of the unit lies within a State/Union Territory, the registering authority shall be an Officer of the concerned State Government or Union Territory] [Added by S.O. 639 (E), dated 27th August, 1993.](2)The registering authority shall deal with applications for registration and issue registration certificates under this Order and perform, within its jurisdiction, all functions in connection therewith for compliance with the terms and conditions of the registration.

### **14. Quarterly returns and additional information.**

(1)Every holder of the registration certificate shall, within thirty days of the expiry of every quarter, submit to the registering authority, a return in duplicate, in the form specified in the Fourth Schedule.(2)The registering authority may call for such information as it may deem necessary from the holder of the registration certificate or from any other person dealing with or handling or processing, or manufacturing milk or milk product, to ascertain the quantity and quality of milk or milk product dealt with or handled or processed or manufactured or sold by him in respect of any period that he may specify, or such other information as may be required for implementing the provisions of this Order.(3)The Central Government or any officer or authority authorised or designated by it in this behalf may, to satisfy itself or himself that the provisions of this Order are being complied with, require any person, who in its or his opinion is likely to use milk or a milk product for a purpose not in conformity with this Order or registration thereunder, to furnish within such period and in such form or at such intervals as may be specified, such additional information or returns as he or it may deem proper.

### **15. Power to enter, inspect and seize.**

(1)The registering authority or any other officer authorised by it, may carry out periodic inspection of any premises in which manufacture or process, or business in milk or any milk product is carried on, with a view to ensuring compliance with the provisions of this Order or of any direction issued in pursuance thereof or supply of genuine and proper material to consumers, and where the registering authority, otherwise considers it necessary by general or special order, it may-(a)require any holder of the registration certificate or any other person to give any information in his possession with

respect to his business;(b)require, by notice in writing, any holder of the registration certificate or any other person to furnish samples of any milk or milk product or of any material used in the manufacture of the same;(c)require any holder of the registration certificate or any other person dealing with or manufacturing or processing or handling milk or milk product, in writing, to produce books, documents or the registration certificate issued to him;(d)inspect or cause to be inspected any of the books or documents in the possession of or under the control of such persons;(e)inspect or cause to be inspected any stock or any such vehicle, vessel or receptacle, if he has reason to believe that goods procured are in violation of the terms and conditions of the registration or in contravention of the provisions of this Order;(f)enter and search any premises and seize any article to which this Order applies and in respect of which he has reason to believe that contravention of this Order has been or is being or is about to be committed and take or authorise to take all measures necessary for securing the production of stocks with reference to milk or milk product so seized in the Court for their safe custody, pending such production.(2)The authority or the officer referred to in sub-paragraph (1) may,-(a)detain, on giving a proper receipt, raw materials, documents account books, or other relevant evidence connected with the handling or processing or dealing with or manufacture of milk or milk product in respect of which he has reason to believe that a contravention of the Order has taken place;(b)collect, from the holder of the registration certificate, on giving a proper receipt, samples of milk or milk product or any ingredient used in the preparation of such milk or milk product from the premises of the holder of the registration certificate in respect of which he has reason to believe that a contravention of this Order has taken place;(c)collect, on payment, from any person samples of milk or milk product sold, or intended to be sold or kept for despatch or delivery to any dealer, agent or broker for the purpose of sale, and get such samples analysed at a recognised laboratory specified under sub-paragraph (6) of Paragraph 23.(3)The provisions of Section 100 of the Code of Criminal Procedure, 1973 (2 of 1974) shall, as far as may be, apply to every search under this Order.

## **16. Suspension or cancellation of registration.**

(1)The registering authority may suspend or cancel the registration certificate issued under this Order, if the holder of the registration certificate,-(a)wilfully furnishes incorrect information at the time of applying for the registration;(b)fails to comply with any of the terms or conditions of the registration certificate, or acts in contravention thereof;(c)fails to comply with any of the directions issued by the registering authority, or where duly authorised in pursuance of the provisions of this Order, by any other person;(d)fails to furnish any information or return as required or may be required under the provisions of this Order;(e)save as otherwise permitted under Paragraph 11,-(i)collects, procures or produces any item of milk or milk product beyond the limit specified in the registration certificate issued to him in relation to that item;(ii)collects milk from any area outside the milkshed specified in the registration certificate; and(f)in any other manner contravenes any of the provisions of this Order.(2)While exercising powers under sub-paragraph (1), it shall be open to the registering authority to issue an order of suspension in the first instance and thereafter an order of cancellation if the default or failure persists.(3)Before any registration certificate is cancelled in pursuance of sub-paragraph (1) or sub-paragraph (2), the registering authority shall give an opportunity to the holder of the certificate to show cause and in every case where the registration certificate is cancelled, a further period of three months for winding up of the business

shall be given to the holder of the certificate and during that period he may carry on the business to such extent only as may be necessary for winding up the operations.

## **17. Maintenance of records.**

- The registering authority may, by general or special order, direct any person engaged in the manufacture or processing or other business of milk or any milk product to maintain such records of his business in such manner and to submit to him such returns relating to the business as have been or may be specified under the provisions of this Order.

## **18. Appeal to Controller.**

(1) Any person aggrieved by any order of a registering authority or any other officer authorised by it, may, within thirty days of the order, prefer an appeal to the Controller who shall, after giving the person a reasonable opportunity of being heard, pass such orders thereon, as he may deem proper: Provided that the Controller may entertain an appeal after the expiry of the said period of thirty days if he is satisfied that the appellant was prevented by sufficient cause from filing an appeal within time. (2) Every appeal under sub-paragraph (1) shall be accompanied by a fee of rupees five hundred only or as may be revised from time to time by the Central Government.

## **19. Powers of Central Government to issue directions.**

(1), Notwithstanding anything contained in this Order, the Central Government shall have power to issue any direction to the Board or to the Controller or to any registering authority, in respect of any of the matters dealt with in this Order or on any matter relevant thereto, and such direction shall prevail over any other order or direction validly made earlier. (2) Notwithstanding anything contained in this Order, the Central Government shall have power to issue any direction in respect of any of the matters dealt with in this Order including any direction relating to any restraint or restriction or free inter-State movement of milk or milk product.

## **20. Temporary registration on production of milk product.**

(1) The Controller may, if he is satisfied that it is necessary so to do to maintain or increase the supply of liquid milk in any region, direct, by Order published in the official Gazette, that for the period mentioned in the said Order, the distribution of liquid milk or the production of any milk product by any class or category of producers or manufacturers thereof shall be restricted in such manner as may be specified in the Order, provided that no such Order shall remain in force for a period of more than ninety days at a time. (2) In making the restriction referred to in sub-paragraph (1), the Controller shall have regard to the following factors, namely, - (a) the availability of liquid milk in the region, (b) the demand for liquid milk by the general public in the region, (c) the availability of skimmed milk powder and white butter for reconstitution into liquid milk by dairy plants, (d) the inter se importance of liquid milk and the concerned milk product proposed to be restricted, and (e) any other factor relevant for maintaining the liquid milk supply.

## **21. Levy on skimmed milk powder and milk fat.**

(1)Where the Controller is satisfied that it is necessary to do so for the purpose of ensuring liquid milk supply to the general public of any region, he may, by order, direct any class or category of producers or manufacturers of skimmed milk powder or milk fat in that region to make available such percentage of their total production of all or any of these commodities as he may deem appropriate, to any authority designated by him for the purpose.(2)Every producer and manufacturer referred to in sub-paragraph (1) from whom commodity mentioned therein is made available in pursuance of the direction of the Controller shall be paid the value of the same as may be determined by the Controller.

## **22. Appeal to the Central Government.**

(1)An appeal against any order or direction issued by the Controller under this Order, shall lie, within thirty days of the issuance of this Order, to the Central Government, and the Central Government shall, after giving the appellant an opportunity of being heard, pass such order thereon as it may deem proper:Provided that the Central Government may entertain an appeal after the expiry of the specified period if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the specified time-limit.(2)Every appeal under sub-paragraph (1) shall be accompanied by a fee of rupees one thousand only or as may be revised from time to time by the Central Government.

## **23. Procedure for drawing samples, conducting analysis, and issue of prohibition order.**

(1)Subject to the provisions of sub-paragraph (2) of Paragraph 15, the registering authority or any officer or authority authorised or designated by him, when drawing the sample shall follow the under-mentioned procedure,-(a)the sample shall be drawn in such manner as to render the sample to be homogeneous and representative so that the analysis can furnish reliable data of the nature and content of the article:Provided that where milk or any milk product is kept; sold or stored for sale or for distribution in sealed containers having identical label declaration, the contents of one or more of such containers as may be required to satisfy the quantity required for proper analysis, shall be treated to be a part of the sample:Provided further that, while taking a sample, notice in writing shall be given then and thereof the intention to have it so analysed to the person from whom the sample is taken;(b)the sample shall forthwith be separated into three equal parts, and each part put in a separate container, marked and sealed,(c)one of the parts of the sample shall be sent for analysis to a recognised laboratory and the remaining two parts shall be sent to the Controller or to any institution authorised by him for custody for use in case a re-test of the sample is required.(2)The laboratory to which sample is sent shall make a report to the registering authority of the results of the analysis of the sample within a reasonable time.(3)Where any action is contemplated against any person on the basis of the sample drawn from him which on analysis by the recognised laboratory was found to be sub-standard or unsuitable, he shall have a right to have the second part of the sample sent for further analysis by a second laboratory duly authorised by the

Controller for the purpose, and upon receipt of any such request made within fifteen days of receipt of information about the sample not satisfying the prescribed standard, the registering authority shall forward the same to the second laboratory whose report shall supersede the report given by the first laboratory mentioned in sub-paragraph (1) and the same shall be final and conclusive evidence of the facts stated thereunder.(4)The fee payable for analysis made by the second laboratory aforesaid shall be paid by the person at whose instance the registering authority called for the further analysis.(5)Where the quality of milk or milk product, as the case may be, is found, on second analysis to be sub-standard or unsuitable, the registering authority may, by an order in writing, prohibit the sale of the same as well as the handling or processing or manufacture of any such milk or milk product.(6)Every laboratory recognised for the purpose of the Bureau of India Standard Act, 1986 (Act 63 of 1986) and any other laboratory which may be subsequently recognised by the Central Government by an Order shall be a laboratory recognised for the purposes of this Order.

## **24. Publication of list of holders of registration certificates.**

(1)The Controller shall, as soon as may be after the commencement of this Order, publish in the official Gazette, a list of the names and addresses of the holders of registration certificates and that of their establishments or Units, together with a description of the milk or milk product covered by their respective registration certificates.(2)The Controller may thereafter undertake similar periodic publication,-(a)giving particulars of any person who is subsequently issued a registration certificate, or whose certificate is amended or cancelled;(b)giving a consolidated list inserting therein the modifications made to the first list published under sub-paragraph (1).

## **25. Sanitary requirements for milk and milk products.**

- The premises in which milk or any milk product is being handled, processed, manufactured, stored or distributed, by the holder of the registration certificate, and the persons handling them shall conform to the sanitary requirements and standards as specified in the Fifth Schedule.

## **26. Certification, packing, marking and labelling.**

(1)Every person engaged in the business of handling, processing or manufacturing milk or any milk product, shall, in regard to the items of milk or milk product manufactured and the packing, marking and labelling of containers thereof, comply with the following requirements, namely,-(i)The product related to that items shall be got certified by the Officer authorised in this behalf by the registering authority to the effect that the goods conform to the standards of quality prescribed by the Central Government,-(a)in the case of any new product manufactured for the first time after the commencement of this Order, before the product is released from the premises for the first time after manufacture, and(b)in the case of any product which is already being manufactured at the commencement of this Order, at any time when the person is called upon by the registering authority to get the product certified;(ii)where certificate is issued to any person in relation to any item, such person shall be authorised to place an emblem of certification on the packaged goods;(iii)every certificate issued under this paragraph shall require-(a)that all subsequent

dispatches or releases of the item of milk or milk product shall conform to the standard specified at the time of certification;(b)that the certificate holder is authorised to place the certificate number and the emblem of certification on such packaged goods and that the same shall be displayed prominently, on each of them; and(c)the label on the packaged goods shall not contain any statement, claim, design or device which is false or misleading in any manner concerning the milk or milk product contained in the package or about the quality or the nutritive value or of the place of origin of the same;(iv)the constituents ingredients of milk or milk product shall conform to the standards prescribed by the Central Government.(2)In every case where the milk or milk product is packed by the holder of a registration certificate in a tin, barrel, carton or any other container, the registration number shall either be exhibited prominently on the side label of such container or be embossed, punched or printed prominently thereon.(3)There shall be specified on every label of a package of milk or milk product,-(a)the name, trade name or description of the article contained in the package;(b)the name and business address of the holder of registration certificate and the registration number;(c)the net weight or number or measure or volume of contents, as the case may be;(d)a batch or code number, except in the case of any-(i)package weighing less than 60 grams or 60 millilitres of milk or milk product; and(ii)milk (including sterilized milk but not including condensed milk) packed in bottles, cartons, or sachets;(e)the day, month and year of manufacture or packing milk and the month and year of manufacture or packing of milk product:Provided that this clause shall not apply in the case of ice-cream, butter and cheese, and bottles, cartons or sachets containing liquid milk (not being condensed milk), beverage containing milk as ingredient, which are returnable by the consumer for refilling;(f)the date of manufacture or packing on packages containing sterilized milk, infant milk food.(4)A holder of registration certificate shall not pack milk or any milk product other than those processed or manufactured by him or, those obtained from any other person holding a registration certificate.(5)Without prejudice to the generality of the provisions contained in sub-paragraph (1), the registering authority may, by order, specify the requirements with regard to the packing, marking and labeling of packages of milk product of any specified type or description, whether such milk product is manufactured in India or not, and every manufacturer or person authorised by him shall be bound to comply with the provisions of such order.(6)Nothing contained in this paragraph shall apply to milk or milk product impressed into India.

## **27. Compliance with directions and orders.**

(1)The Controller may issue such directions or instructions consistent with the provisions of this Order as may be necessary for carrying out the provisions of this Order.(2)Every person to whom any direction or instruction is given or order is issued, in pursuance of any provision of this Order shall be bound to comply with such direction or instruction or order and any default or failure on the part of the person to comply with the same shall be deemed to be a contravention of the relevant provision of the Order.(3)Every person shall be bound to furnish any information called for in pursuance of the provisions of this Order and in default, shall be deemed to have violated the provisions of the Order.(4)No person shall cancel, destroy, mutilate or deface any book, document or any other evidence with a view to evading any provision of this Order.

## **28. Prosecution.**

- Any person, - (a) handling or processing or controlling or manufacturing milk or any milk product without obtaining a registration certificate as required under this Order, or (b) continuing to manufacture or process or handle or pack milk or milk product after suspension or revocation or expiry of registration certificate issued, or (c) handling, processing, manufacturing, controlling or packing milk or milk product in contravention of the provisions of this Order or of the terms and conditions of the registration certificate, or (d) producing any item in excess of the quantity specified for that item in the registration certificate, or (e) making any manufacturing facility in contravention of the provisions of sub-paragraph (1) of Paragraph 5, shall, in addition to suspension, revocation, or cancellation of his registration certificate, be liable to prosecution for the contravention of the provisions of this Order.

## **29. Previous sanction for prosecution.**

- In the case of any contravention of any of the provisions of this Order by the holder of registration certificate or any other person, the registering authority shall obtain the previous sanction of the Controller before initiating the prosecution, and in every such case sanction shall be accorded only if the Controller is satisfied that there is a prima facie case against the holder of registration certificate or other person, as the case may be.

## **30. Penalty.**

- Every person who contravenes or is deemed to have contravened any of the provisions of this Order, or any of the terms and conditions of the registration certificate, or fails to carry out any direction or order or request made or instruction given thereunder, shall be punishable under Section 7 of the Essential Commodities Act, 1955 (10 of 1955).

## **31. Transitional and other provisions.**

(1) With effect from the date of commencement of this Order and until the constitution of the Board, and also at any time the Board is not in existence or the Controller is not in position, the Secretary to the Government of India in the Department of Animal Husbandry and Dairying in the Ministry of Agriculture shall be competent to exercise all the powers and discharge all the functions of the Board under this Order and he may authorise any Officer, not below the rank of a Joint Secretary to the Government of India in the Ministry of Agriculture to perform the functions of the Controller till the date of appointment of a Controller in accordance with this Order. (2) For the transitional period pending the appointment of registering authorities under this Order, it shall be competent for the person exercising the powers of the Controller, to authorise one or more Officers or designate any authority to discharge the functions of a registering authority and determine the jurisdiction in relation to each of them.

## **32. Repeal and savings.**

(1)The provisions of this Order and instructions issued thereunder, shall supersede any order made under Section 3 of the Essential Commodities Act, 1955 (10 of 1955) in so far as it relates to milk or milk product.(2)Notwithstanding such supersession, anything done or any action taken or initiated under those Orders shall be deemed to have been done taken or initiated under the corresponding provisions of this Order.First ScheduleApplication for registration[See sub-paragraph (1) of Paragraph 5]

## **Part I – 1. Name and Address of the applicant.**

**2. Names of the Managing Director, Directors, Proprietors Partners, Owners etc.**

**3. Address of the business/dairy plant and of all the establishments/ premises owned or managed by the applicant.**

**4. Telephone Numbers/Gram/Telex**

**5. (a) Description of milk and milk products with quantities per year which the applicant is equipped to handle/control process/manufacture. (Give full details).**

(b)If already handling/processing/controlling or manufacturing milk or milk product, the annual quantity of each product in the last three years (Give separately for each year).(c)The quantity of each item of milk or milk product proposed to be handled, processed or manufactured.

**6. Branches including chilling/collection centres.**

**7. Installed per day capacity of the dairy plant.**

**8. Total quantities of milk and each of the milk products handled or processed or controlled during the preceding year.**

**9. If established after obtaining licence or making registration under the Industries (Development and Regulation) Act, 1951 (65 of 1951) furnish photocopy of the licence or registration including all conditions attached to it.**



**10. Milkshed area (sq. km.) with the certified map showing physical boundaries.**

**11. Average quantity of milk per day to be used or handled.-**

(a)in lean season.(b)in flush seasons.

## **Part II – [Detailed description of milkshed]**

**1. Geographical area of the milkshed.**

**2. Number of districts and villages in each district.**

**3. Number of breedwise milch cows, buffaloes, sheapard (sic), goat, district wise in the milkshed.**

**4. District map showing Taluka/Tehsil boundaries and major roads/rail roads, etc.**

**5. A brief description about the existing milk procurement, processing and marketing facilities.**

**6. Milk producers' cooperative societies/union etc.- total and functional in the milkshed.**

**7. Number of dairy plants-public/private in the milkshed.**

**8. Any other developmental programme.**

I/We hereby undertake to comply with all the provisions of the Milk and Milk Product Order, 1992. Please find forwarded herewith the prescribed registration fee. I/We declare that the facts stated hereinabove and the particulars given in Parts I and II are true and correct. Signature(s) of the applicant(s) Place: Date: [Second Schedule] [Substituted by S.O. 639 (E), dated 27th August, 1993.] [See sub-paragraphs 6(a) and (7) of Paragraph 5] Registration Certificate

### **1. Name and Address of the Certificate holder**

(a) NAME (IN CAPITAL LETTERS)

.....Address.....

## 2. Address of Authorised Premises for Manufacture, etc.

.....

## 3. Subsequent change in premises, if any

.....

## 4. Area of Operation for Milk Procurement

Taluk/Circle/Tehsil/Block/Sub-Division..... District ..... State

.....

(i).....(ii).....

## 5. Installed capacity of the Dairy Plant and Milk Products proposed to be manufactured

(a)Milk Processing capacity.....litres/day.(b)Milk Products [Specify the name of the product proposed to be manufactured within the overall processing capacity of liquid milk stated to in (a) above.]

1. ....

2. ....

3. ....

## 6. Specifications of equipment installed and to be installed with capacity rating.

.....

registration certificate is issued and is subject to the provision of Milk and Milk Product Order, 1992 and the conditions specified below shall be complied with by the holder of the registration certificate. This registration certificate is valid for a period of five years from the date of issue. Conditions The holder of the registration certificate shall, - (1) comply with the provisions of Milk and Milk Product Order, 1992 and any direction or instruction issued thereunder; (2) give necessary access to his premises to all implementing authorities/agencies and their personnel to ensure compliance; (3) restrict the collection of milk from the milkshed and shall not collect milk from outside it except as permitted under this Order; (4) not produce any product other than the product indicated in this registration certificate; (5) furnish periodic returns as required under the Order; (6) comply with any other direction of the registering authority, Controller and the Central Government. \*Proposed

Date :Place: REGISTERING AUTHORITY

Third ScheduleApplication for renewal of registration[See sub-paragraph (3) of Paragraph 6]

1. Name and Address of the applicant with particulars of existing registration.
2. Names of the Managing Director, Directors, Proprietors, Partners, Owners etc.  
Address of the business/dairy plant and of all the
3. establishments/premises owned or managed by the applicant.
4. Telephone Numbers/Gram/Telex.

5. (a)

Description of milk and milk products with quantities per year which the applicant is equipped to handle/process/control or manufacture. (Give full details).

(b)

If already handling/processing or controlling or manufacturing milk or milk product, the annual quantity of each product in the last three years. (Give separately for each year).

(c)

The quantity of each item of milk or milk product proposed to be handled, processed or manufactured.

6. Branches including chilling/collection centres.
7. Details of registration fee paid earlier.  
Total quantities of milk and each of the
8. milk product handled or controlled or processed during the preceding year.  
If established after obtaining a licence under the
9. Industries (Development and Regulation) Act, 1951 (65 of 1951), furnish photocopy of the licence including all conditions attached to it.
10. Average quantity of milk per day to be used or handled-

(a)

in lean season

(b)

in flush season.

I/We hereby undertake to comply with all the provisions of the Milk and Milk Products Order, 1992. Please find herewith the forwarded prescribed fee for renewal of registration. Signature(s) of the applicant(s) Place: Date: Fourth Schedule Quarterly Return [See sub-paragraph (1) of Paragraph 14] For the Quarter ending.....

Name of Dairy Plant/ Unit/ other  
Establishment/ Premises (with

address)

Name of the holder of  
Registration certificate

Town/ District

State

Registration Number

Date of issue

Stock Position

Fat(Metric Tonnes)

Solids-not-fat(Metric  
Tonnes)

Opening

StockReceiptsDespatchesClosing

Stock

Milk Procurement

Source of Procure-ment

Type of milk

Total Qty. (MT)

Total fat  
(MT)

Total SNF (l)

Village milk producers  
co-operative societies

CowBuffaloMixed

Milk Producers Co-operative  
Unions/ Federations

CowBuffaloMixed

Other agencies

CowBuffaloMixed

Commodities used for

Reasons for  
conservation of  
commoditiesTotalduring  
the quarter (MT)

Whole milk powder

Skimmed milk  
powder

Butter Oil

White Butter

Combined milk for sale

Other Milk Products

Product manufactured

Product	Oty. Produced(MT)	Average	Product	Oty.(MT)
Fat	SNF	Fat	SNF	

1. White Butter
2. Table Butter
3. Ghee
4. Skimmed milk powder
5. Whole milk powder
6. Infant food
7. Malted food
8. Chocolate products
9. Cheese
10. Any other article containing milk or milk product
11. Ice-cream
12. Yogurt

Oty.- QuantityMT- Metric  
TonnesSND- Solids-non-fat

Milk sold directly in towns (name)	Packing (specify)	Total quantity during the quarter (.000L)	Average	Consumer price(Rupee litre)
---------------------------------------	-------------------	----------------------------------------------	---------	-----------------------------------

Fat/Solids-non-fat

Milk supplied to other dairies(Name of dairy)	Total qty. during the quarter (.000L)	Average	Price (Rupees per litre)
--------------------------------------------------	------------------------------------------	---------	--------------------------------

Fat/Solids-non-fat

Product marketing

Product	Opening Stock	Quantity sold during the Quarter(MetricTonnes)	Closing Stock(Metric Tonnes)	Average sell ex-dairy(Ru per litre)
---------	---------------	---------------------------------------------------	------------------------------------	-------------------------------------------

1. White Butter
2. Table Butter
3. Ghee
4. Skimmed milk powder

5. Whole milk powder
6. Infant food
7. Malted food
8. Chocolate products
9. Cheese
10. Any other article containing milk or milk product
11. Ice-cream
12. Yogurt

Signature

Place:Date:

Fifth ScheduleSanitary requirements for handling or processing or controlling or manufacturing milk and milk product[See Paragraph 25]The following shall be the sanitary requirements for the purpose of handling or processing or manufacturing or controlling of milk and/or milk product, namely,-

**1. The premises shall be clean, adequately lighted and ventilated, properly whitewashed or painted. There shall be proper and adequate arrangements for disinfecting and deodourizing. There should preferably be space around it on all sides.**

**2. The building shall be of a permanent nature and shall be of brick masonry/cement concrete and any other material which would ensure cleanliness. The doors shall be fitted with hydraulic door closures so that they close automatically to prevent insects, flies, etc. entering the premises or thermostat air curtains for similar purposes. The ceiling or roof shall be of permanent nature. The floor should be cemented, tiled or laid in stone to withstand the use of acid or alkali. Walls should be tiled or otherwise made impervious to water up to a height of at least 1.5 metres from the floor level. Ventilation and heating shall be in accordance with the provisions made by or under the Factories Act, 1948.**

**3. The establishment shall be so maintained as to permit hygienic production and all operations in connection with the handling or processing or manufacturing milk or any milk products shall be carried out carefully under strict sanitary conditions as laid down by or under the Factories Act, 1948 as for the time being in force. The premises shall not be used as residential premises; nor shall it have or be capable of having direct access with such**

**premises.**

**4. There shall be adequate supply of water. Water shall be pure and of potable quality and free from pathological micro-organisms. The water shall be examined periodically, chemically and bacteriologic ally, by a recognised laboratory and a certificate obtained to the effect that it is fit for human consumption. The licensee shall bear the cost of such examination. The registration certificate holder shall ensure water availability of a minimum 3.5 to 4 times the quantum of milk to be handled (i.e. rated capacity of the dairy) including the water, if any, recovered, from milk through condensing plant.**

**5. There shall be an efficient drainage system and provision for treatment of refuse and effluents before disposal. Such facilities shall conform to the requirements laid down by the local water and drainage control authorities and the respective State Pollution Control Board.**

**6. Whenever five or more employees of either sex are employed, sufficient number of latrines for each sex as under shall be provided (IS; 1172-1971).**

No of workers	No. of latrines	No. of wash basins	No. of Urinals
Up to 25	1	1	2
25-49	2	2	3
50-100	3	3	4
100 & above	5	5	7

It should be ensured that the employees wash their hands with soap or detergent before they resume work.

**7. No person suffering from infectious or contagious disease shall be allowed to work in the premises. Arrangements shall be made to get the staff medically examined once in six months to ensure that they are free from infectious, contagious and other diseases. A record of such examination, signed by a medical practitioner, shall be maintained for inspection. The staff working in the plant shall be inoculated against the enteric group of diseases and vaccinated against small pox once a year and a certificate thereof shall be kept for inspection.**

In case of an epidemic all workers should be inoculated/vaccinated. No employee who is suffering from a hand or face injury, supporting skin infection or clinically recognisable infectious disease shall be permitted to work in the premises. A person having a bandage, plaster or protective

covering for any injury shall not be allowed to handle raw material or unprotected products. The staff working in processing and preparation of products shall be provided with white aprons or uniform and head gears which shall be clean. The management shall see that all workers are neat, clean and tidy. The management shall also provide face masks to all workers working in butter, powder and cheese making and packing section.

**8. Motor vehicles, tank wagons, trollies, insulated containers, etc. used for transport or distribution of milk products shall always be maintained in clean condition and all the parts coming in contact with milk shall be made of stainless steel or of food grade resin coating impregnated with fibre glass. Every three years the surfaces shall be coated with food grade resin and a certificate thereof shall be kept for inspection in case of resin coated vessels.**

**9. Adequate CIP systems shall be maintained. Each consisting of hot water, acid and lye tank with necessary pipes and fittings should be provided in such a way that CIP solution is circulated to each and every equipment till all equipment and accessories are cleaned up to the required standard.**

**10. The equipment used for handling milk and milk products shall conform to sanitary standards as may be fixed from time to time by MMPAB.**

[Substituted by S.O. 32 (E), dated 7th January, 1993.]