

Nagaland Prevention of Food Adulteration Rules, 1983

NAGALAND

India

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Rule

NAGALAND-PREVENTION-OF-FOOD-ADULTERATION-RULES-1983 of 1983

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Nagaland Prevention of Food Adulteration Rules, 1983Published vide Notification No. MED/FW-5/11/83 dated 29th May, 1984Last Updated 18th February, 2020No. MED/FW-5/11/83. - In exercise of the powers conferred by Section 24 of the Prevention of Food Adulteration Act, 1954 (Central Act 37 of 1954) the Governor of Nagaland hereby makes the makes the following Rules :

Part I

General

1. Short title, extent and commencement.

(1)These rules may be called the Nagaland Prevention of Food Adulteration Rules, 1983.(2)They shall extend to the whole of Nagaland.(3)They shall come into force on the date of their publication in the official Gazette.

2. Definitions.

- In these rules, unless the context otherwise requires-(a)"Act" means the Prevention of Food Adulteration Act, 1954 (37 of 1954);(b)"Section" means a section of the Act;(c)"Central Rules" means the Prevention of Food Adulteration Rules, 1955 amended from time to time ;(d)"State Rules" means the Nagaland Prevention of Food Adulteration Rules, 1983(e)"Government" means the State Government of Nagaland ;(f)"Local Area" means any area urban or rural, declared by the State Government by notification in the official Gazette to be local area for the purpose of this

Act;(g)"Local health authority" means any health authority declared by the State Government by notification in the official Gazette to be the local health authority over the local area for the purpose of this Act;(h)"Hawker" means a person who has no fixed place of business and carries the business of selling of food from place to place ;(i)"Retail sale" means sale for the use of consumer ;(j)"Wholesale" means sale for purpose of resale ;(k)"Public analyst" means any person appointed by the Government of Nagaland under Section 8 of the Act to exercise the function of a Public Analyst.

Part II

Food (Health) Authority and Local (Health) Authority

3. Food (Health) authority.

- Food (health) authority as defined in Section 2 (vi) of the Act-(a)The food (health) authority shall be responsible for general superintendence, administration and enforcement of the Act.(b)The food (health) authority may recommend for adoption by the local health authorities such measures as may be necessary for carrying out the purposes of the Act in that local area or areas and the local health authority concerned shall be bound to implement such recommendations.(c)The food (health) authority may delegate in writing all or any of his powers conferred by the Act to other officers by name or by nature of office.(d)All the records maintained by the food inspectors, licensing authorities and public analysts shall be opened to inspection by any officer authorised by the food (health) authority.(e)The local health authorities, health officers, licensing authorities and food inspectors for the purposes of the Act, shall comply with all directions which may be issued by the food (health) authority or any officer authorised by him in writing in this behalf for successful implementation of the provisions of the Act or the rules made thereunder.(f)The food (health) authority or any officer authorised by him in this behalf shall have the power to inspect any premises where food is sold or manufactured or stored and direct any food inspector within the local area to take samples in his presence or otherwise from any food stuff and to send them for analysis.(g)The food (health) authority or any officer authorised by him in this behalf shall have the power to exercise the duties and powers conferred on a food inspector by the Act in any part of the State for the proper implementation of the Act.(h)The food (health) authority shall appoint the licensing authority.

4. Duties and powers of local (health) authority.

(a)Every local (health) authority shall be subordinate to the food (health) authority of the State.(b)Every local (H) authority shall be incharge of administration and working of the Act on the local areas concerned.(c)Every local (H) authority shall carry into execution all the directions of food (health) authority.(d)Every local (H) authority shall report to the food (health) authority details of every case of adulteration and prosecution launched.(e)Every local (H) authority shall submit returns as may be directed by the food (health) authority.(f)Every Local (H) authority may have the power to prohibit sale, manufacture of food to prevent outbreak of infectious diseases and may also have power to delegate its functions with prior approval of the food (health) authority.

Part III

Manufacture of Food for Sale

5.

No person shall manufacture for sale without a valid licence issued under the Act, any of the articles of food specified under R. 48 (a) and R. 50 of Prevention of Food Adulteration Rules, 1955 (Government of India).

6.

(a) If food is manufactured in more than one set of premises by the same person or persons separate licence shall be issued on each set of premises. (b) Licence to manufacture for sale shall be in Form 1. (c) Application for grant/renew of licence to manufacture any food for sale shall be made to the licensing authority in duplicate in Form 1-A accompanied by a challan receipt evidencing the payment of the appropriate licence fee prescribed in Schedule I.

7.

(a) Licence fee for manufacture for sale shall be as set forth in Schedule I. (b) A fee of Rs. 5 shall be paid for duplicate copy of a licence issued under this rule, if the original is damaged or lost.

8.

Licence shall not be granted or renewed unless the licensing authority is satisfied that the licensee complies with the provisions of the Act and rules made thereunder and also abides by the conditions stated in the licence.

9.

The validity of every licence shall terminate on the 31st day of March immediately succeeding the date of issue unless the licence is sooner suspended or cancelled.

10.

The certificate of renewal of a licence in Form 1 shall be in Form 2 and shall be subject to the conditions stated therein.

11.

Each application for renewal of licence shall be sent to the licensing authority in Form 1-A in

duplicate before the date of expiry of a licence with the fee for renewal of licence. On receipt of such application together with such fee the licensing authority may renew the licence.

12.

If the application for renewal is not made within the time specified in the said R. 11, the licence shall be renewed only on payment of a fee of fifty per cent in excess of the fee originally payable for grant of a licence :Provided further, that the licensing authority may not consider renewal of the licence after the lapse of three months from the date of expiry of the licence.

13.

The licence is liable to be suspended or cancelled for breach of any of the conditions hereof by the licensing authority. No holder of licence shall be entitled for compensation for cancellation or suspension of licence nor to refund of any fee paid in respect thereof.

14.

All fees for the manufacture of food for sale or renewal shall be deposited, into the treasury under Head 082-PH-Fee for manufacture and sale of food, etc.

Part IV

Sale of Food

15.

No person shall sell, stock, distribute or exhibit for sale without valid licence issued under the Act any of the articles of food specified under Rule 48-A and Rule 50 of the Prevention of Food Adulteration Rules, may 1955 (Government of India) or any articles the State Government by notification in the official Gazette notify.

16.

(a)If food is sold on more than one set of premises by the same person or persons separate application will be made and separate licence shall be issued on each set of premises.(b)If food is sold wholesale and retail by the same person or persons, separate applications be made and separate licence shall be issued.(c)Licence for the sale of food shall be in Form 3.(d)Application for grant of licence for the sale of food shall be made to the licensing authority in duplicate in Form 3-A accompanied by a challan receipt evidencing the payment of the appropriate licence fee prescribed in Schedule II.

17.

(a) Licence fee for sale of food shall be as set forth in Schedule II. (b) A fee of Rs. 5 shall be paid for duplicate copy of a licence issued under this rule, if the original is defaced, damaged or lost.

18.

A licence shall not be granted or renewed unless the licensing authority is satisfied that the licensee complies with the provisions of the Act and rules made thereunder and also abides by the conditions stated in the licence.

19.

The validity of the licence shall terminate on the 31st day of March immediately succeeding the date of issue unless the licence is sooner suspended or cancelled.

20.

The certificate of renewal of a licence in Form 3 shall be in Form 4 and shall be subject to the conditions stated therein.

21.

Each application for the renewal of licence shall be sent to the licensing authority in Form 3-A in duplicate before the date of expiry of the licence with the fee for renewal of the licence. On receipt of such application together with such fee the licensing authority may renew the licence.

22.

If the application for renewal is not made within the time specified in Rs. 21, the licence shall be renewed only on payment of fee of fifty per cent in excess of the fee originally payable for grant of the licence : Provided further that the licensing authority may not consider renewal of licence after three months from the date of expiry of the licence.

23.

All fees for the sale of food or renewal shall be deposited into the treasury under Head 082-Public Health-Fee for manufacture and sale of food.

Part V

Fees for Analysis

24.

No such fee shall be charged for analysis in a State managed public health laboratory if the articles of food are sent by a local authority who is the employee of the State Government.

25.

(a)The fee to be charged by the public analyst for analysis of food from consumers, traders and private purchasers shall be Rs. 10 per sample.(b)Refund of fee. - In case of fee for analysis received from a purchaser under Section 12 of the Act, the same must be paid by cash or money order. The public analyst will keep the fee without depositing' it into the treasury until the analysis is completed ; he will refund the purchaser of the same if required under the last proviso to the Section 12.(c)All fees which are not refunded will be deposited into the treasury under the Head 082-Public Health-Fee of analysis of food stuff, etc.(d)The fee to be charged for a copy of certificate is Rs. 2 (Two).

Part VI

Realised Fines

26.

All fines imposed by the Court under Section 16 of the Act shall be credited to health department under Head 082-Public Health-"Fees and fines", to be utilised to improve the implementation of the Act in the State. Form 1-A Form for application for grant of licence/renewal/amendment of licence for manufacture of food for sale under Section 24 of the Prevention of Food Adulteration Act, 1954

**1. I/We, name.....son of.....resident of (permanent address)
.....under Police.....Station.....Post
Office..... District.....director/partner/proprietor of
Messrs.....apply for grant/renewal/amendment of licence for manufacture
for sale of food specified below in the premises situated at.....under Police
Station....Post Office.....District.....**

2. The manufacture for sale of the article(s) of food will be under the personal supervision.

(i)Name.....(ii)Son of.....(iii)Resident of.....

3. Articles of food(s) for which licence is requested.....

4. Premises are ready for inspection-Yes/No.

5. Amount of Rs (Rupees) only being the fee for grant/renewal/amendment of licence for manufacture as per Schedule I of the Nagaland Prevention of Food Adulteration Rules, 1983 is deposited by challan No dated Bank Draft No.....

6. The old licence No. and date (if any).....

Form 1[Rule 6]Form of licence to manufacture of food for sale under Section 24 of the Prevention of Food Adulteration Act, 1954Serial No.....Dated 20.This licence is issued to shri son of resident of.....for manufacture of food as shown below on the premises situated at.....The licence is granted subject to the conditions of this licence and to the provisions of the Prevention of Food Adulteration Act, 1954 (37 of 1954) and the rules thereunder.The licence will be valid up to 31st March 20.....*Nature of food.....(Seal)Licensing AuthorityNote :-*Here enter the class of food or classes of food.Conditions of licence to manufacture food

1. This licence shall be displayed in prominent place in a part of the premises open to the public.

2. The licensee shall allow any food inspector appointed under the Act to enter into any premises where manufactured and/or record etc. at any time are kept. The licensee shall apply such information to such food inspector as he may require for ascertaining whether the provisions of the Act and rules thereunder and the conditions of the licence are being complied with.

3. The licensee shall maintain such records as may be required by the Government and shall submit such periodical returns to the food (health) authority as may be directed.

4. The licensee shall comply with the provisions of the Prevention of Food Adulteration Act, 1954 (37 of 1954) and the rules thereunder.

5. The licensee shall not carry on or permit to be carried on any other trade in the licensed premises except the trade mentioned in the licence.

6. The licensee shall keep the licensed premises structurally fit for the purpose for which a licence is granted and shall comply with all reasonable requirements which the medical officer of health may make to ensure the sanitary and hygienic fitness of the licensed premises.

7. Every utensil or container used for manufacture or other processes involved in manufacture of any food or ingredient of food intended for sale shall be kept all times in good order in a clean sanitary condition.

8. No licensee shall use for manufacture and for other processes involved in manufacture of any food or ingredient of food intended for sale, any utensil or container which is made of such material or in such state of the material which is likely to injure such food or render it noxious.

9. The licensee shall not use or permit to be used in the manufacture of articles of food any water except water obtained from the water supply from such source as may be approved by the licensing authority.

10. The licence is liable to be suspended or cancelled for a breach of any of the conditions stated above.

Form 2[Rule 10]Certificate of renewal of licence to manufacture of food for sale under Section 24 of the Prevention of Food Adulteration Act, 1954Certified that the licence No dated granted to Shri son of resident of director/partner/proprietor of Messrs.....to manufacture food as shown below at the premises situated at has been renewed for a period up to 31st March subject to the condition of the original licence in Form 1 : *Nature of food.....Licence renewal fee received Rs.....SealLicensing Authority.Note. - *Here enter class of food or classes of food.Form 3-AForm for application for grant of licence/renewal/amendment of licence for sale, distribute, exhibit for sale of food under Section 24 of the Prevention of Food Adulteration Act, 1954

1. I/We, nameson of resident of (permanent address) under Police Station Post Office, District director/partner/proprietor of Messrs.....apply for grant/renewal/amendment of

licence for sale of food specified below in the premises situated at under Police Station Post Office.....District.....

2. The sale of the article(s) of food will be under the personal supervision :

(i)Name.....(ii)Son of(iii)Resident of.....

3. Articles of food(s) for which licence is requested.....

4. Premises are ready for inspection-Yes/No.

5. Amount of Rs.....(Rupees.....) only being the fee for grant/renewal/amendment for sale as per Schedule II of the Nagaland Prevention of Food Adulteration Rules, 1983 is deposited by challan No.....dated Bank Draft No.....

6. The old licence No. and date (if any)....

7. I/We shall abide by the provisions made under Prevention of Food Adulteration Act and the Rules framed thereunder.

Signature.....SealDate.....Form 3Form of licence to sell, stock, distribute or exhibit for sale of food under Section 24 of the Prevention of Food Adulteration Act, 1954 (37 of 1954)Licence NoDate.....20.This licence is issued to Shri.....son of.....resident of director/partner/proprietor of Messrs ...to sell, stock and exhibit for sale and distribute food as shown on the premises situated at.....It is granted subject to the conditions of this licence and the provisions of Prevention of Food Adulteration Act, 1954 (37 of 1954) and the rules thereunder. The licence will be valid up to 31st March 20.....Licence fee received Rs.....†Nature of sale.....‡Nature of food.....SealLicensing AuthorityNote. - †Here enter wholesale/retail/sale by hawkers, etc.‡Here enter class of food or classes of food.Conditions of Licence to Sell, Stock, Distribute and Exhibit for Sale of Food

1. This licence shall be displayed in a prominent place in a part of the premises open to the public.

2. The licensee shall allow any food inspector appointed under the Act to enter into premises where food is stored or exhibited for sale or where sale of food is carried on and to inspect the premises, machinery, equipment, records, etc., at any time. The licensee shall apply such information to such food inspector as he may require for ascertaining whether the provisions of the Act and Rules thereunder and the conditions of the licence are being complied with.

- 3. The licensee shall maintain such records as may be required by Government and shall submit periodical return to the food (health) authority as may be directed.**
- 4. The licensee shall comply with the provisions of Prevention of Food Adulteration Act, 1954 (37 of 1954) and the rules thereunder.**
- 5. The licensee shall not carry on or permit to be carried on any other trade in the licensed premises except trade mentioned in the licence.**
- 6. The licensee shall keep the licensed premises structurally fit for the purpose for which a licence is granted and shall comply with all reasonable requirements which the Medical Officer of health make to ensure the sanitary and hygienic fitness of the licensed premises.**
- 7. The licensed premises shall not be used as a living or sleeping room. There shall not be direct communication between the licensed premises and any room used for living room or with latrines or urinals.**
- 8. Every utensil or container used for containing of food or ingredient of food intended for sale shall be kept at all times in good order a clean sanitary condition.**
- 9. No licensee shall use for preparing, storing or other process involved in the course of selling in food or ingredient of food intended for sale and utensil or container which is made of such material or in such state of the material which is injure such food or render it noxious.**
- 10. The licence is liable to be suspended or cancelled for a breach of any of the conditions stated above.**

Form 4 Certificate of renewal of licence to sell, stock, distribute or exhibit for sale of food under Section 24 of the Prevention of Food Adulteration Act, 1954 Certified that the licence No dated granted to Shri ...son of.....resident of director/partner/proprietor of Messrs to sell, stock, distribute or exhibit for sale of food as shown below at the premises situated at.....has been renewed for a period up to 31st March subject to the conditions of the original licence in Form 1. Licence renewal fee received Rs.....‡Nature of food.....†Nature of saleNote. - ‡Here enter class of food or classes of food.†Here enter wholesale/retail/sale by hawkers.

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Table of licence fees for manufacture and sale of food[See Rules 5 and 7]

	Rs. P.
1. Oils, rice or floor (for each article)	250.00
2. Tea or sugar (for each article)	300.00
3. Aerated water	50.00
4. Ice, Ice-candies or ice-cream (for each article)	50.00
5. Ice, Ice-cream and Ice-candies (any two articles)	75.00
6. Ice, Ice-cream and Ice-candies (all the articles)	100.00
7. Biscuits	70.00
8. Bread and other bakery products excluding biscuits	50.00
9. Biscuits, bread and other bakery products	100.00
10. Confectionery	50.00
11. Dairy products, namely :	
(a) Milk or skimmed milk or separated milk or toned milk or reconstituted milk	25.00
(b) Milk products, including Khoa, cream, rabri, dahi, etc.	25.00
(c) Ghee	30.00
(d) Butter	30.00
(e) Any two categories of dairy products under sub-items (a) to (d)	50.00
(f) Any three categories of dairy products under sub-items (a) to (d)	75.00
(g) All categories of dairy products under sub-items (a) to (d)	100.00
12. Grinding condiments, ghani oils expressed by countryghanis (without mechanical power), gur (cottage industries scale) each article	25.00
13. Food manufactured and sold in-	
(a) Hotel-cum-restaurant	150.00
(b) Hotel	100.00
(c) Restaurant (employees more than two)	150.00
(d) Restaurant (employees not more than two)	100.00
(e) By hawkers	25.00
14. Sweetmeats	50.00
15. Any other article of food	30.00

II

Table of licence fees for sale of food

1. Wholesale	150.00
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2. Whole-sale cum retail sale	200.00
3. Retail sale	100.00
4. Hawkers	25.00
5. Ghumti/Pan Shop	25.00