

## **U. P. PREVENTION OF FOOD ADULTERATION RULES, 1976**

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## **U. P. PREVENTION OF FOOD ADULTERATION RULES, 1976**

### U. P. PREVENTION OF FOOD ADULTERATION RULES, 1976

#### **1. Short title, extent and commencement :-**

(1) These Rules may be called the Uttar Pradesh Prevention of Food Adulteration Rules, 1976.

(2) They extend to the whole of Uttar Pradesh and shall come into force with effect from 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 (No. 37 of 1954) ;

(b) "Food (Health) Authority" means the Director of Medical and Health Services, Uttar Pradesh;

(c) "Food Inspector" means a person appointed by the State Government under Section 9 of the Act, or by the Central Government under Section 14 of the Act;

(d) "Form" means a form set forth in Appendix 'A.' of these rules;

(e) "Public Analyst" means any person appointed by the State Government under Section 8 of the Act; and

(f) "Rules" means Rules made under the Prevention of Food Adulteration Act, 1954 by the Central Government or by the State Government of Uttar Pradesh.

### **3. Duty of Food Authority and Local Authority :-**

It shall be the duty of the Food (Health) Authority and Local Authority, to carry into execution and enforce the provisions of the Act, and the rules framed there- under within the territorial limits of Uttar Pradesh, with a view to ensure that the articles of food are manufactured and sold in a pure and genuine condition.

### **4. Licensing authorities :-**

(1) The authorities mentioned below are empowered to issue licences in the prescribed form for the manufacture, for sale, for the storage, for the sale and for the distribution of articles of food or any specified articles of food or class of articles of food, in respect of the local areas mentioned against each of them :

(a) All Nagar Swasthya The Corporation or Municipal Adhikaris, Atirikt Nagar Areas within their jurisdiction. Swasthya Adhikaris or Municipal Medical Officers of Health in Uttar Pradesh.

(b) All Deputy Chief Medical The Rural and Urban Areas within Offices of Health in their jurisdiction. Uttar Pradesh.

(c) Senior Medical Officers The Cantonment Area within their of Cantonment Board in jurisdiction. Uttar Pradesh.

(d) Divisional Medical The Railway premises including Officers of various Railway Colonies within their Indian Railways within jurisdiction. Uttar Pradesh.

(2) The authorities mentioned in sub-rule (1) above shall, for the purposes of these rules, be known as "Licensing Authorities"

### **5. Application for Licences :-**

An application for the grant of licence under these rules shall be made in Form I to the licensing authority of the area concerned, who shall grant a licence in Form II. Every licensing authority shall maintain a register in Form III. Note.-The licence form and application form are saleable for 2 paise and 3 paise per form, respectively, and can be obtained from the licensing authorities.

## **6. Licence fee :-**

(1) For every licence issued under rules, a fee of Rs. 10 (rupees ten only) shall be levied from a manufacturer or wholesaler Rs. 4 (rupees four only) from a retailer, and Rs. 2 (rupees two only) together with 50 paise as cost of metallic badge from a hawker.

(2) For a duplicate copy of a licence issued under this rule if the original is defaced, damaged or lost, a fee of Rs. 3 (rupees three only) shall be charged from a manufacturer or wholesaler Rs. 2 (rupees two only) from a retailer, and Re. 1 (rupee one only) from a hawker. In the cases of replacement owing to loss of the original metallic badge the charge shall be Re. 0.50 (fifty paise only). The fees collected under sub-rules (1) and (2) above, shall be deposited under State receipt head "XXIV-Public Health-Fees and fines etc. Income from licence fees under P. F. A. Act".

(3) For the purposes of these rules-

(a) "Manufacturer" means a person who manufactures an article of food in quantities exceeding 20 Kilograms on any one day, or who manufactures an article of food in a factory as defined in the Factories Act, 1948 , for sale to wholesaler or a retailer;

(b) "Wholesaler" means a person who ordinarily sells an article of food to a retailer;

(c) "Retailer" means a person who sells an article of food directly to individual consumers;

(d) "Hawker" means a person who carries on a business of selling an article of food from door to door and not at any fixed premises.

## **7. Maintenance of register by manufacturer or wholesaler :-**

Every manufacturer or wholesaler in ghee, butter, charbi, edible oils, or hydrogenated vegetable oil products shall maintain a register as in Form IV which shall be open to inspection by the licensing authority or any other officer duly authorised by him in this behalf.

## **8. Grant and renewal of Licence :-**

(1) The authorities mentioned in Column 1 below shall, for the purposes of Section 2(viii) of the Act, be the "local authorities" in respect of the areas indicated against each in Column 2:

(2) A licence may be granted for a period of one year commencing

from April 1 and ending with March 31, or for any portion thereof.

(3) An application for the renewal of a licence shall be made by the licence-holder at least thirty days before the date on which the current licence is to expire. The fee payable for the renewal of the said licence shall be the same as prescribed under Rule 6(1): Provided that if the applicant applies for the renewal of a licence after its expiry, but within one month of such expiry, the fee payable for the renewal of such licence shall be the same as prescribed under Rule 6(1) and an additional fee in equal amount.

**9. Duration of a licence :-**

If a person who holds a licence under the rules dies, the licence shall remain effective for the benefit of his lawful heir until the expiration of three months from the date of death of the licensee, or until the date of the expiry of the terms of licence, whichever is earlier.

**10. Fines :-**

All fines imposed by courts under the provisions of the Act or rules framed thereunder shall in the first instance be credited to the head "XXI-Administration of Justice-General, Fees, Fines, and Forfeitures- Fines" and 50 per cent thereof will ultimately be reimbursed in the shape of Grant-in-aid to those local authorities, other than Magistrates in-charge of the Sub-Divisions, within whose jurisdiction the offence was committed and who bear full expenses of the prosecutions from the stage of taking sample by the Food Inspectors to the stage of final decision by the court : Provided that fines imposed by the courts in respect of cases challenged by the Food Inspectors appointed by the State Government anywhere in the State be credited to the State Revenues.

**11. Fee for analysis :-**

The fee for the analysis of a sample of food sent to the Public Analyst for analysis by a purchaser, or any other person, under Section 12 of the Act shall be Rs.20 (rupees twenty only).

**12. Expenses in connection with collection and despatch of food samples :-**

All expenses incurred in connection with the collection and despatch of food samples for analysis and in the prosecution of persons under the Act or rules framed thereunder shall be met by the local authority within whose jurisdiction the sample of food is collected by its Food Inspectors or the offence is committed. Where no such

local authority exists, such expenses shall be met by the State Government.