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NOTIFICATION

No. J.-11012/2/91-POL, the 13th March, 1991. In exercise of the powers conferred by section 24 of Prevention of Food Adulteration Act (Act 36 of 1954) and in consultation with Central Committee for Food Standard the State Government of Mizoram is pleased to frame the Mizoram Prevention of Food Adulteration Rules, 1991 as follows :-

PART - I

PRELIMINARY

- Short title, extent and commencement
1. (1) These Rules may be called the Mizoram Prevention of Food Adulteration Rules, 1991.
 - (2) They shall extend to the whole of Mizoram.
 - (3) They shall come into force on the date of their publication in the official gazette.
- Definitions
2. In these Rules, unless the context otherwise requires :-
 - (a) "Act" means the Prevention of Food Adulteration Act, 1954. (37 of 1954);
 - (b) "Central Rules" means the Central Prevention of Food Adulteration Rules, 1955 as amended from time to time;
 - (c) "Food(Health) Authority" means the Director of Health and Family Welfare Services or any other Officer empowered by the State Government by notification in the official gazette, to exercise powers and perform the duties of the Food Health Authority in respect of Mizoram;
 - (d) "Hawker" means an itinerant retailer who has no fixed place for the sale of foodstuff;

- (e) "Local (Health) Authority" in relation to a local area means an officer appointed by the Government by notification in the official gazette to be incharge of Health administration in such area;
- (f) "Licensing Authorities" means District Chief Medical and Health Officers, and any other officer(s) who may be authorised by the State Government of Mizoram from time to time under these rules;
- (g) "Manufacture" means preparation of any article ready for sale and include any process or part of a process for making, altering, finishing, packing or labelling or otherwise treating except packing of articles in the ordinary course or retail business;
- (h) "Manufacturer" means a person who manufactures any article of food in bulk or who produces any article of food in factory in terms of the Factories Act, 1948, (Central Act 63 of 1947) for sale to a wholeseller or retailer;
- (i) "Retailer" means a dealer of any article of food other than a manufacturer/wholeseller, who sells directly to the consumers;
- (j) "Section" means a section of the Act;
- (k) "State" means the State of Mizoram and the word "State Government" shall be construed accordingly;
- (l) "Wholeseller" means a person engaged in the business of sale or storage for sale or distribution of any article of food for the purpose of re-sale.

PART - II

FOOD (HEALTH) AUTHORITY

Powers and duties of food (Health) Authority

3. (1) The Food (Health) Authority shall be responsible for general superintendence of the administration and enforcement of the Act.
- (2) The Food (Health) Authority shall have power to prohibit, sale or manufacture for sale, store, sale or distribution of any article of food in the interest of public health in the whole territory of the State or in any local area by notification and for a period as may be specified therein.
- (3) The Food (Health) Authority shall control and supervise the duties and operations of Public Analysts, Local Authorities, Local (Health) Authorities, Licensing Authorities and Food Inspectors so appointed/notified under the various provisions of the Act and Rules made there-under.

- (4) The Food (Health) Authority may, from time to time, delegate in writing with the prior approval of the Government, some of his powers and functions under the Act, to a subordinate authority or authorities.
- (5) The Food(Health) Authority shall review the position of implementation of Prevention of Food Adulteration Act from time to time and suggest to the Central Government/ State Government to amend the rules or other provisions to have a better and effective implementation of the Act.

Powers and
duties of
local (Health)
authority

4. (1) Local(Health) Authority shall be subordinate to the Food (Health) Authority.
- (2) Local(Health) Authority shall be responsible for day to day administration and enforcement of the Act within his jurisdiction.
- (3) The Local(Health) Authority may after giving notice to the vendor in writing destroy or cause to be destroyed any perishable article of food which is seized under subsection (4) of section 10 of the Act, if he is satisfied that such article of food is so deteriorated that it is unfit for human consumption.
- (4) The Local(Health) Authority shall receive two parts of the samples and two copies of the Memorandum in Form VII of the Act sent by the Food Inspectors as well as from a purchaser or a recognised consumer association under section 12 of the Act and shall compare the seal on the containers and outer cover with specimen impression, note the conditions of the seal thereon and shall keep them under his safe custody. He shall also receive an intimation to that effect that the food inspector/purchaser or the recognised consumer Association under section 12 of the Act, has sent one part of the sample to the Public Analyst.
- (5) Whenever a Public Analyst or a Food Inspector send an intimation that the samples sent to the Public Analyst is lost or damaged, the Local Health Authority shall send the other part to the Public Analyst for analysis.
- (6) The Local(Health) Authority shall receive the report of the analysis from the Public Analyst.
- (7) The Local(Health) Authority shall within a period of ten days after institution of prosecution forward a copy of the report of result of analysis by registered post or by hands as may be appropriate, to the person from whom the sample was taken and simultaneously also to the person from whom the vendor purchased such article and whose

name and other particulars have been disclosed under section 14-A of the Act, informing such person or persons that if it is so desired, either or both of them may make an application to the court within a period of ten days from the date of receipt of the copy of the report to get the sample of the article of food kept by the Local(Health) Authority analysed by the Central Food Laboratory.

Provided that where the sample conforms to the provision of the Act or the rules made there-under and no prosecution is intended under sub-section (2) or no action is intended under sub-section (2E) of Section 13 of the Act, the Local (Health) Authority shall intimate the result to the vendors from whom the sample was taken and also to the person whose name and address and other particulars have been disclosed under Section 14 A of the Act, within ten days from the receipt of the report from the Public Analyst.

- (8) The Local(Health) Authority shall have the powers to forward one of the parts of the sample kept by him to any other Public Analyst wherever after considering the report if any, of the Food Inspector or otherwise he is of the opinion that the report delivered by the Public Analyst under sub-section (1) of Section 13 of the Act is erroneous.
- (9) On requisition made by the court, the Local (Health) Authority shall forward part or parts of the samples to the court within a period of five days from the date of receipt of such requisition.
- (10) Where two parts of the samples have been sent to court and one part of the sample has been returned by the court to the Local (Health) Authority, the Local (Health) Authority shall keep that part till the certificate from the Director, Central Food Laboratory is received.
- (11) In case of the sample sent to the Director, Central Food Laboratory by court is lost or damaged, the Local(Health) Authority shall forward the remaining part of the sample to the court if so requisitioned.
- (12) The Local (Health) Authority may receive a nomination from a company authorising its Director or Manager to be responsible for the conduct of the business of the company and for the offences under the Prevention of Food Adulteration Act, 1954 and the rules made there-under, the Local(Health) Authority shall accept such nominations as per procedure laid down under Rule 12 B of the Central Rules. Further the Local(Health) Authority shall also cancel such nominations as prescribed under section 17(3) of the Act.

- (13) The Local(Health) Authority shall ensure that the instructions/directions issued by the Central Government/State Government or the Food(Health) Authority are strictly adhered to.
- (14) The Local(Health) Authority shall send his specimen signature, postal address and the jurisdiction covered by him to the concerned Public Analyst for favour of information and examining the authority of paper slip.
- (15) The Local(Health) Authority shall issue signed paper slip with code number and serial number as prescribed under sub-rule(C) of rule 16 of the Central Rules, to the Food Inspectors or to the other persons authorised under the Act or rules made there-under for taking samples of food-stuffs. A proper record of slips issued shall be maintained by the Local(Health) Authority;

P A R T - III

CONDITION FOR LICENCE AND SALE

Condition for Licence.

5. (1) Any person desiring to manufacture for sale, stock, distribute or exhibit for sale any article of food in respect of which a licence is required under rules 48-A and 50 of the Central Rules, shall apply for Licence in Form 'A' appended to these rules, to Licensing Authority accompanied by a treasury challan receipt evidencing the payment of the appropriate licence fee prescribed in Schedules I and II. a Medical Certificate in Form 'B' appended to these rules.
- (2) The Licence fee shall be deposited in the Government Treasury in the Head of Account :
- 02100 — Medical and Public Health
 - 04 — Public Health
 - 104 — Fees and Fines etc.
 - 104(2) — Fees for Prevention of Food Adulteration.
- (3) If after normal procedure of inspection, the Licensing Authority is satisfied with sanitary conditions of the premises and Medical fitness of the persons involved in handling of business or manufacture, etc. and also to the conditions of sales as provided under these Rules, Licence in Form C will be issued to the applicant.
- (4) A licence granted under sub-rule (3) above, unless sooner suspended or cancelled pre-maturely, shall be valid for the period beginning on the date of issue and ending on the 31st December of the same year .

- (5) One licence may be issued by the Licensing Authority for one or more articles of food (and also for different establishments or premises in the same local area).
- (6) If the articles of food are manufactured, stored or exhibited for sale at different premises situated in more than one local area, separate application shall be made and a separate licence shall be issued in respect of such premises not falling within the same local area :

Provided that the itinerant vendors who have no specified place of business, shall be licensed to conduct business in a particular area within the jurisdiction of the licensing authority.

- (7) An itinerant vendor granted a licence under these rules, shall carry a metallic badge showing clearly the licence number, the nature of articles for the sale of which the licence has been granted, his name and address of owner, if any, for whom he is working. The containers of food and the vehicles shall also be similarly marked.
- (8) If the licensing authority finds it necessary to suspend or cancell any licence, before making a order, it shall serve a notice to the licensee asking him to submit a written statement of his defence within such times as may be specified in the notice. If the licensee does not submit any statement in time or the statement made by him is not satisfactory in the opinion of the authority, the licensing authority shall make an order accordingly for suspension or cancellation of the licence.
- (9) The licence shall not be transferrable without the written consent of the licensing authority. The licence shall be valid for the premises and the person or persons named there in and for articles of food specified in the licence. In case the licensee desires to keep for manufacture or sale of any additional articles of food for which a licence is required he will have to obtain a separate licence in the usual procedure,
- (10) The licensing authority may, for sufficient reasons, issue a duplicate licence on payment of ten rupees with the word 'Duplicate' appearing prominently thereon. Such fee will be credited to the Head of Account mentioned in sub-rule (2).
- (11) Application for renewal of the Licence shall be made to the licensing authority before 15th of October, accompanied by a treasury challan receipt evidencing the payment of the appropriate licence fee prescribed in Schedules I and II.

- (12) If a licensee fails to apply for a renewal of licence before 15th October, he shall pay an additional fee of ten rupees provided that he applies before the expiry of his licence, failing which no licence shall be renewed.
- (13) A licensing authority may with the approval of the State Government by an order in writing delegate the power to sign licences and such other powers as may be specified in the order any person under his control.
- (14) The names and address of the Director or Manager, as the case may be, nominated by the company shall be mentioned in the licence.
- (15) Proprietor, Director or Manager as the case may be, of any hotels, restaurants and other food stalls, who sells or exposes for sale, any articles of food shall put up a notice board showing the licence number and the list of articles of food prepared for sale.
- (16) No licensee shall employ in his work any person who is suffering from infectious, contagious or loathsome disease.
- (17) No person shall manufacture, store or expose for sale or permit the sale of any article of food in any premises not effectively separated to the satisfaction of the licensing authority from any privy, urinal, sullage, drain or place of storage of foul and waste matter.
- (18) All vessels used for the storage or manufacture of the articles intended for sale shall be clean and shall have proper cover to avoid contamination.
- (19) The conditions of Licence herein prescribed shall be read with and shall be in addition to the conditions of licence and conditions of sale provided under rules 49 and 50 of the Central Rules.

P A R T - IV

FEEES FOR ANALYSIS

- Fees**
6. (1) (a) No fee shall be charged for analysis in a State managed Public Health Laboratory if the articles of food are sent by a Local (Health) Authority/Food Inspector who is the employee of the State Governments.
 - (b) The fee to be charged by the Public Analyst for analysis of articles of food from consumers, traders and purchasers/recognised consumer Associations under section 12 of the Act shall be ten rupees per sample.

- (2) **REFUND OF FEE :-** In case of fee for analysis received from a purchaser/recognised consumer association under section 12 of the Act, the same must be paid in cash or money order. The Public Analyst will keep the fee without depositing into the Treasury until the analysis is completed, he will refund fee to the purchaser of the same if required under the last provision of section 12 of the Act.
- (3) All fees which are not refunded will be deposited into the Treasury under the head mentioned in sub rule(2) of rule 5.

P A R T - V

MISCELLANEOUS PROVISIONS

- Realised fines** 7. All fines imposed by the court under section 16 of the Act shall be credited to Health and Family Welfare Department under the Head mentioned in sub rule (2) of rule 5.
- Appeals** 8. Any person aggrieved with the decision or order of the Licensing Authority may prefer an appeal to the Food(Health) Authority. Appeal against the decision of Food (Health) Authority shall be with the state Government, whose decision shall be final.
- Mizoram Prevention of Food Adulteration Rules 1991 shall stand in respect of conflict with other Rules.** 9. In respect of any provisions of these rules which may appear to be contradictory or overlapping with the provisions of the Mizoram Town Sanitation Rules 1980, the provisions of these rules shall stand.
- Residuary Matters.** 10. In regard to the matters not specifically mentioned in these rules or orders issued there-under, the provisions of the Central Prevention of Food Adulteration Rules, 1955 shall apply.

SCHEDULE-1

See rules 5(1) and 5(9)

TABLE OF LICENCE FEES FOR MANUFACTURE AND SALE OF FOOD

1. Oils, Rice or Flour (for each article)	—	Rs. 150.00
2. Tea, or Sugar (for each article)	—	Rs. 150.00
3. Ice, Ice-candies or Ice Cream (for each article)	—	Rs. 50.00
4. Ice, Ice-Cream and Ice-Candies (any two articles)	—	Rs. 50.00

5. Ice, Ice-Cream and Ice-Candies (all the articles)	—	Rs. 75.00
6. Biscuits, Bread and other Bakery products	—	Rs. 50.00
7. Confectionery	—	Rs. 50.00
8. Dairy products namely :—		
(a) Milk or Skimmed Milk or separated milk or tonned milk or reconstituted milk	—	Rs. 50.00
(b) Milk products	—	Rs. 75.00
(c) Ghee	—	Rs. 75.00
(d) Butter	—	Rs. 75.00
9. Grinding condiments, Ghani oils expressed by country ghanis without mechanical power, Gur (cottage industrial scale) each article.	—	Rs. 50.00
10. FOOD MANUFACTURED AND SOLD IN :—		
(a) Hotel-cum-Restaurant	—	Rs. 150.00
(b) Hotel	—	Rs. 100.00
(c) Restaurant/Tea Stall (employees more than two)	—	Rs. 100.00
(d) Restaurant/Tea Stall (employees not more than two)	—	Rs. 50.00
(e) Hawkers	—	Rs. 20.00
11. Sweetmeats	—	Rs. 50.00
12. Any other articles	—	Rs. 50.00

SCHEDULE—II

See rules 5(1) and 5(11)

TABLE OF LICENCE FEES FOR SALE OF FOOD

1. Whole sale	—	Rs. 100.00
2. Whole sale cum Retails	—	Rs. 150.00
3. Retail sale	—	Rs. 50.00
4. Hawkers	—	Rs. 20.00
5. Pan shop	—	Rs. 30.00
6. Food additive adjuncts (Ice Food Coloured)	—	Rs. 30.00
7. Tea/Coffee/Cold Drinks seller	—	Rs. 30.00

FORM—A

See rule 5(1)

To, The Licensing authority _____ I/We (Name in block letter) _____ Sex _____ son/Daughter/Wife of _____ residing at _____ apply for the grant/ renewal of a licence under the provisions of the Prevention of Food Adulteration Act 1954 (Central Act 37 of 1954) and rules made there under for the manufacture for sale/storage for sale/sell/distribution/exhibition for sale of

(1) _____

(2) _____

(3) _____

In the premises situated/the temporary stall at _____ for a period of _____ upto _____ my/our annual turnover is of Rs _____

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

A Treasury receipt of the amount of Rs _____ for the fees for licence as per the schedule is enclosed herewith.

I/We, am/are also enclosing herewith medical certificate in form 'B' of my/our own and also that of my/our employees.

In my/our absence _____ Shri/Smt _____ Age _____ and sex _____ address _____ shall conduct the aforesaid business.

The Statement made above are true to the best of my/our knowledge and if any is found to be false or not true, the licence shall be liable to be cancelled.

NOTE : In case of partnership or limited Company or Co-operative society and attested copy of the partnership deed or the article of the association or the Registration certificate issued.
Specify the District of the State.
Specify the article of Food.
Specify the local area

Signature of applicant.

FORM--B

See rule 5(1)

MEDICAL FITNESS CERTIFICATE

1. Name :
2. Father's Name :
3. Age : Sex :
4. Religion :
5. Address :
6. Height : Weight :
7. Mark of Identification :
8. Chest X-Ray report :
9. Whether immunised against Cholera and Typhoid with date :
10. Signature/Thumb impression :

Certified that Shri/Smt _____ is medically fit/unfit to be employed/to be issued licence for Manufacture for Sale/Sell Storage for sale/distribution of _____

Date :

Place :

Signature of Registered
Medical Practioner,

Name :

Regd. No :

FORM--C

See rule 5(3)

(From of Licence)

LICENCE FOR MANUFACTURE FOR SALE/STORAGE FOR SALE/
DISTRIBUTION OF _____

No. _____

Shri/Smt _____ Residing at _____ is hereby given a licence for manufacture for sale/storage for sale/distribution (in whole sale/retail) _____ herein after referred to as the licence article at _____ situated at _____ subject to the provisions of the Prevention of Food Adulteration Act, 1954 and rules made there under. This licence will remain valid from the date of issue to 31st December _____

Date of issue :

Signature of Licensing Authority
for local area _____

THE STATEMENT OF OBJECTS AND REASONS

Hitherto the Mizoram Government have not framed any rule under the Prevention of Food Adulteration Act 1954 even though section 24 of the Act vested power in the State Government to make necessary rules. In absence of such rules a numbers of problems are faced by the Government as well as the people with regard to regulation of food articles. The objects and reasons for the proposed rules are as follows :-

1. To promote better sanitation, public health and general cleanliness with regard to food articles in the State of Mizoram.
2. To regulate the manufacture, storage and sale of food articles in the State.
3. To safeguard the people against food poisoning and adulteration, etc.

It is hoped that with the enforcement of these proposed rules, the State Government and the people will be able to achieve better standard of living and public health and sanitation.

S. Hiato,
Minister of State for Health & Family Welfare,
Mizoram.

DECISION OF THE COUNCIL OF MINISTERS OBTAINED BY CIRCULATION

No.J.11012/2/91-POL, the 13th March, 1991. As per provision contained in Rule 14 of the Government of Mizoram (Transaction of Business) Rules, 1987, the following Rules/Bills were circulated to the Council of Ministers for approval:-

- Item No. 1 - Mizoram Prevention of Food Adulteration Rules, 1991.
- Item No. 2 -
- (a) The Mizoram Salaries and Allowances of Ministers (Amendment) Bill, 1991;
 - (b) The Mizoram Salaries and Allowances of the Speaker and the Deputy Speaker (Amendment) Bill, 1991;
 - (c) The Mizoram Salaries and Allowances of Leader of the Opposition (Amendment) Bill, 1991;
 - (d) The Mizoram Salaries and Allowances of Government Chief Whip (Amendment) Bill, 1991;
 - (e) The Mizoram Salaries and Allowances and Pension of the Members of the Legislative Assembly (Amendment) Bill, 1991.

Item No. 3 - (a) The Mizoram Civil Courts Bill, 1991.

(b) The Mizoram Village Courts Bill, 1991.

Item No. 4 - The Mizoram Trading (Regulation) Bill, 1991.

2. The Council of Ministers having expressed their views in favour of items 1 and 2, it has been decided to take further action on these items by the concerned Departments.

3. The items at 3 and 4 were dropped by the Cabinet.

F. Pahnuna,
Chief Secretary to the Govt. of Mizoram.