

DEPARTMENT OF PREVENTION OF FOOD ADULTERATION
GOVT OF NCT OF DELHI
A-20, LAWRENCE ROAD, INDUSTRIAL AREA, RING ROAD, DELHI-110035

No: F.1/I.IIA/Comp./Div. IV/PFA/ 6138-43

Dated: 26-5-10

To,

1. All SDMs/IHAs
(All Sub-Divisions)
2. Chief Prosecutor,
Patiala House.
3. Divisional IHAs

Sub: 1. Notification : Draft on Regulation of Trans Fatty Acids in Partially Hydrogenated Vegetable Oils (PHVOs)-reg.
2. Notification : GSR No. 351(E) dated 27.4.2010 relating to quantity of samples to be sent to Public Analyst under PFA Rules, 1955.
3. Analysis of imported Foods-reg.
4. Corrigendum : GSR 175(E) dated 5.3.10 published in part-II, section 3, sub-section(i) of Gazette of India, Extraordinary.

Madam/Sir,

Please find enclosed herewith copies of above stated Notifications :

1. P.15025/2007-2009-PFA/FSSAI dt. 13.5.10
2. P.15014/1/2008-PFA/FSSAI dt. 21.5.10
3. P.15011/4/2010-PFA/FSSAI dt. 14.5.10
4. P.15014/7/2002-PH(FOOD) Pt. dt. 15.5.10 (with enclosures) received from ADG(PFA), FSSAI of India for your information & immediate action.

You are requested to bring these directions/notifications to the notice of Food Inspectors working under your direct control.

This issues with the prior approval of Director(PFA).

Encl: As above (9 pages)

Yours faithfully,

(Sudhir K. Nagpal)

Local(Health) Authority(HQ)

Copy to:

1. P.A. to Dir.(PFA) EBFOW
2. Programmer(PFA) with request to upload the above Notifications on the official website of the Deptt.
3. Guard File.

GOVERNMENT OF NCT OF DELHI
DIRECTORATE OF PREVENTION OF FOOD ADULTERATION
A-20, LAWRENCE ROAD, DELHI-35

F.No.12(40)/2007/EDP/PFA/ 9371-77

dated 17/12/07

ORDER

In modification of the previous order F.No.12(40)/2007/EDP/PFA/5210 dated 24/9/07, it is ordered that:

1. The entry of Rule 9(E) reports as well as the correction on the website is to be done by the Food Inspector within 24 hours of taking of samples. In case, when the Rule 9(E) Report Proforma is not accessible on internet due to some technical fault, within 24 hours of taking a sample and the succeeding day of taking the sample happens to be a holiday, the report can be entered up to 1 p.m. on the working day next to the day of taking a sample, with the help of EDP Staff at the Head Quarters of the Directorate. The Nodal Officer(IT)/AP (EDP Cell) are directed to get updated the format of Rule 9(E) Report Proforma accordingly and till the time it is updated, the Nodal Officer(IT)/AP(EDP Cell) are permitted to allow such entries to be made up to 1 p.m. on the working day next to the day of taking a sample.
2. The details of sample taking in the department's website should be entered by the Food Inspector very carefully. After entering the details in the module, and prior to the clicking of the "Submit" button, the Food Inspector should be able to and shall confirm that the data entered is correct and then only he will click the submit button. An option of traversing back from that screen to the original screen of the report should be available to the Food Inspector for carrying out the said correction(s), if any. The Food Inspectors, are thus, solely responsible for the correctness and timely submission of the report on the department's website and the Nodal Officer(IT) has to ensure the facility to be made available to the Food Inspectors.
3. No entry of Rule 9E Report being submitted late or correction thereof is allowed except without obtaining special permission ~~by~~ by the Food Inspector concerned from the Food Health Authority/ Director(PFA).


(N.BALACHANDRAN)
FOOD HEALTH AUTHORITY
GNCT OF DELHI

F.No.12(40)/2007/EDP/PFA/ 9371-77
Copy to:-

dated 17/12/07

1. All SDM/LHAs through the Dy. Commissioners
2. All Divisional Local Health Authorities
3. Public Analyst
4. All Food Inspectors
5. Nodal Officer(IT), Directorate of P.F.A.
6. P.S. to Director(PFA)
7. P.S. to Addl. Director(PFA)


(N.BALACHANDRAN)
FOOD HEALTH AUTHORITY

**DIRECTORATE OF PREVENTION OF FOOD ADULTERATION
GOVT. OF NCT OF DELHI
A-20, LAWRENCE ROAD INDUSTRIAL AREA, DELHI**

No.1(39)/2002/Dir.(PFA)/ 3564-3634

Dated:22/4/2003

ORDER NO.4/2003

In exercise of the powers vested in the undersigned under clause(vi) of rule 3 of the Delhi Prevention of Food Adulteration Rules,2002, the Food Inspectors and Local(Health) Authorities are directed to give special attention to quality of raw material used in preparation of 'Infant Food and Infant Milk Substitutes' in addition to sanitary conditions in manufacturing process manufacturing in machines, godowns and hygienic condition of personnel engaged in plant for manufacturing these products.

The Directorate General Health Services, Ministry of Health & Family Welfare, Govt. of India have drawn my attention towards growing incidence of Metal contamination in 'Infant Food & Infant Milk substitutes'. The Food Inspectors & Local(Health) Authorities are directed to give special attention to this group of food articles while lifting samples.

The Public Analyst to whom samples of 'Infant Food' and 'Infant Milk Substitutes' are sent for analysis by Inspecting officers shall give special attention to detection of Metal Contamination, non-permitted ingredients/food additives and violation of other labeling requirements.

Sd/-
(K.S. WAHI)
DIRECTOR(PFA)

No.1(39)/2002/Dir.(PFA)/ 3564 to 3634

Dated:22-4-2003

Copy to the :

1. Dr. S.R. Gupta, Asstt. Director(General) PFA, Dte. of General Health Services.
2. Public Analyst, food laboratory, Delhi
3. All Divisional L(H)A, Dte. of PFA.
4. All Local(Health)Authorities/SDMs, Govt. of Delhi.
5. All Food Inspectors, Dte. of PFA, Govt. of Delhi.
6. PS to Pr. Secretary(H&FW) for information.
7. NO(IT) for putting on Web site.

Sd/-
(K.S. WAHI)
DIRECTOR(PFA)

GOVERNMENT OF DELHI
Directorate of the Prevention of Food Adulteration
A-20 Lawrence Road Industrial Area
Delhi- 110035

No. 1(39)/2002/Dir. (PFA)

Dated 30.1.2002

OFFICE ORDER No. 1/2002

1. The services of following Food Inspectors and Field Assistants are placed at the disposal of the Deputy Commissioner of the revenue district mentioned against each. The services of these Food Inspectors and field Assistants shall be utilized for the purposes of lifting samples of food articles in the territorial limits of the respective revenue districts mentioned against each.

Names

S/Shri

District

1. A.K.Dhir, F.I.	Central
2. M.K. Gupta, F.I.	Central
3. Gain Chand, F.I.	Central
4. Nathu Ram, F.A	Central
5. S.R. Sharma, F. A.	Central
6. Sanjiv Gupta, F.I.	South
7. C.B. Boora, F.I.	South
8. Satish Gupta, F.I.	South
9. Samuel Massey, F.A.	South
10. Shivaji Mahto, F.A.	South
11. C.B. Sharma, F.I.	East
12. Ranjit Singh, F.I.	East
13. S.P. Singh, F.I.	East
14. Mittar Pal, F.A.	East
15. Jagdish Prasad, F.A.	East
16. V.P.S. Choudhary, F.I.	West
17. R.K. Bhaskar, F.I	West
18. Hukum Singh F.I.	West
19. Om Prakash, F.A.	West
20. Balwant Shah,F.A.	West
21. Virender Singh, F.I.	North

22. N.N. Sharma, F.I.	North
23. P.N. Khatri, F.I.	North
24. J.P. Bhardwaj, F.A.	North
25. Subedar Misra, F.A.	North
26. Bal Mukand, F.I.	New Delhi
27. S.K. Sharma, F.I.	New Delhi
28. Jeet Ram, F.I.	New Delhi
29. S.N. Jindal, F.A.	New Delhi
30. Pratap Raj, F.A.	New Delhi
31. Baljeet Singh, F.I.	North East
32. Usha Kiran, F.I.	North East
33. R.P.Singh II F.I.	North East
34. D.N. Verma, F.A.	North East
35. Manohar Lal F.A.	North East
36. Pawan Bhatnagar, F.I.	North West
37. O.P. Singh, F.I.	North West
38. P.M. Kothekar F.I.	North West
39. B.P. Saroha, F.I.	North West
40. Brahma Nand, F.A.	North West
41. J.S. Bisht, F.A.	North West
42. Arun Kumar, F.I.	South West
43. A.K. Singh, F.I.	South West
44. P.C. Tiwari, F.I.	South West
45. D.V. Singh, F.I.	South West
46. Ashok Kumar, F.A.	South West
47. Ranjit Singh, F.A.	South West

2. The samples will be lifted under the general direction, supervision and control of the Sub-Divisional Magistrate (i.e. the Local Health Authority) nominated by the Deputy Commissioner as per and in accordance with provisions contained in the Prevention of Food Adulteration Act, 1954 and other Government orders on the subject. All the Local Health Authorities under the administrative control of the Deputy Commissioners shall be responsible for enforcement and implementation of the Prevention of Food Adulteration Act, 1954 as per the directions of the Directorate of Prevention of Food Adulteration.

3. It has been observed that current procedure for detection of cases and investigation besides being cumbersome is dilatory and helping the accused to escape punishment in the Court of Law. The sub-section (2) of section 13 of the Prevention of Food Adulteration Act, 1954 gives a right to

every person from whom the sample was taken or identified and named under section 14A to make an application to the court within 10 days from the receipt of copy of the report of the analysis in respect of food article which is subject matter of the case before the court, to get the sample of food article kept with Local Health Authority analysed by the Central Food laboratory. This right of accused is given prime importance by the Court in view of the over-riding effect available to it as per sub-section(3) of the section 13; in as far as the report of the public analyst is concerned in the trial.

4. In a number of cases it has been noticed that delay in instituting prosecution is giving unintended benefit to the accused at the expense of prosecution case, as a result public purpose is defeated following erosion of the deterrent effect of the Prevention of Food Adulteration Act, 1954.

5. To secure maximum convictions it is imperative that procedural and processual delays are minimized. Accordingly it has been decided that hence onward it shall be responsibility of the concerned Local Health Authorities will give their personal attention to all aspects of investigation and ensure prosecution is launched before the designated court within 5 days of the receipt of the report of public analyst under sub-section (1) of section 13 of the Prevention of Food Adulteration Act, 1954. The current practice of routing files/paper to and from the Public Analyst; the Deputy Legal Advisor through Director(PFA) is dispensed forthwith being not warranted by law.

6. The proposals for seeking the "Consent" of the Director(PFA) under section 20 of the Prevention of Food Adulteration Act, 1954 required for instituting prosecution shall be sent to the Director complete with all documents. The proposals for obtaining consent shall be sent in the following format:

Format for seeking the Consent for Launching Prosecution

1. Number of the Case:
2. Date, Time and Place of lifting sample:
3. Facts of Case:
4. Sections under which prosecution is proposed:
5. Name(s) of the person from whom the sample was lifted:
6. Verified residential address of the persons mentioned in para 5:
7. Names of person(s) with their verified residential address(s) identified under section 14A:
(Please indicate separately the names of suppliers/nominees/manufacturers/importers/packers etc. as the case may be)

8. If any of the named person was arrested or caused to be arrested as per the requirements of section 42 of the Cr. P.C.
9. The list of the report of the public analyst under sub-section (1) of section 13.
10. The list of the report the public analyst, if any, under sub-section (2E) of section 13.
11. List of documentary/oral witnesses with copies of statements recorded/collected for securing the conviction.

Sd/-
Food Inspector

12. Recommendations of the Local Health Authority

Sd/-
Local Health Authority

Prosecution Branch

13. Recommendations/suggestions, if any.

Deputy Legal Advisor

7. The Food inspectors and the Field inspectors are given three days to complete the pending work at their present place of posting and handing over the records to their successors. A copy of the charge handing over report should reach the undersigned by 10th February, 2002 without fail.

K.S.Wahi
Director (PFA) and Food Health Authority: Delhi

Copy to:

1. Divisional Commissioner; GNCT of Delhi with 30 spare copies for distribution among the Deputy Commissioners/ADMS & SDMs.
2. Pr. Secretary(Health) GNCT of Delhi
3. Secretary to the Minister (Health & Family Welfare) for information.
4. The Public Analyst at Directorate of Prevention of Food Adulteration, A-20 Lawrence Road Indl. Area, Delhi-35
5. The Deputy Legal Advisor; In charge Prosecution Branch in the Directorate of Prevention of Food Adulteration with 10 spare copies for circulation among concerned court officers/staff.
6. All LHA's at the Head Quarter
7. All the concerned F.I.'s and F.O.'s
8. All Branch officers in the Directorate of Food Adulteration.
9. The Assistant Accounts Officer
10. Guard File.

K.S.Wahi
Director (PFA) and Food Health Authority: Delhi

GOVERNMENT OF DELHI
Directorate of the Prevention of Food Adulteration
A-20 Lawrence Road Industrial Area
Delhi- 110035

No. 1(39)/2002/Dir. (PFA)

Dated 28.2.2002

OFFICE ORDER NO. 2/2002

1. The work at the Head Quarter Establishment of this Directorate is reorganized as follows and work in the Head Quarter Establishments, including the Food Laboratory at the Lawrence Road, shall be conducted under the general supervision, direction and control of the Director(PFA) cum Food Health Authority.
2. DIVISION I:- This division will coordinate the work of the Local Health Authorities in the revenue districts of North; North West and North East and supervise the work done by the of Food Inspectors within their allocated areas.
3. DIVISION II:- This division will coordinate the work of the Local Health Authorities in the revenue districts of West; East and Central and supervise the work done by the of Food Inspectors within their allocated areas work done by the of Food Inspectors within their allocated areas.
4. DIVISION III:- This division will coordinate the work of the Local Health Authorities in the revenue districts of South; South West and New Delhi and supervise the work done by the of Food Inspectors within their allocated areas.
5. DIVISION IV:- This division will be responsible to develop market intelligence about the manufacturers of or the distributors of or dealers in food articles and the food articles that are being sold in National Capital Territory of Delhi in violations of the standards prescribed for them and as such are likely to adversely affect the public health or being sold in violation of the provisions contained in section 14 of the Prevention of Food Adulteration Act, 1954. This division will also be responsible for examining proposals from or to Central Government in respect of which standards of food articles are proposed to be fixed, including proposals requiring imposition of ban under section 7(iii) of the Prevention of Food Adulteration Act, 1954.
6. DIVISION V:- This division will deal with work relating to the acknowledgement of nomination made by the companies under section 17 of the Prevention of Food Adulteration Act, 1954. This branch will also be responsible for establishing liaison with the Registrar of Companies, New Delhi; the Food Health Authorities of the other States

and Union Territories in respect of data on companies marketing their food articles in the National Capital Territory of Delhi.

7. DIVISION VI:- This division will be responsible for training of officers of the Department consumer and consumer association education and publicity particularly in respect of the enforcement work. This division will also be responsible for implementation of the work relating to Right to Information Act and updation of Departmental Web site.

8. DIVISION VII:-This division will scrutinise the orders of the designed court from the angle of considering the desirability of filing reviews/revisions and appeals including all matters concerning legal advice to the Director(PFA). This division will also examine proposals of the Food Inspectors/Local Health Authorities for grant of sanction for prosecution u/s20 of the Prevention of Food Adulteration Act, 1954. Procedure governing the examination of proposals u/s20 is being separately under issue.

9. DIVISION VIII:- This division will deal with establishment matters except those relating to procurement of equipments and consumable stores for the Food Laboratory (s), including the vigilance, the proposals requiring the consideration of the council of Ministers as per the Transaction of Business of the Government of NCT of Delhi Rules and the work pertaining to the Legislative Assembly or the Parliament.

10. Accounts Branch:- This branch will be responsible for making sub allocation of funds between different units of the Directorate wherever required examining all proposals involving incurring of expenditure out of consolidated fund of Delhi as per the Delegation of Financial Rules (including the control of expenditure keeping in mind the budgetary proposals), the receipt the expenditure rules, the General Financial rules before the proposals are sent to Director (PFA) are grant of expenditure sanction.

11. The following officers will head the Head Quarter divisions mentioned against each and they will until such time a Joint Director is posted will put up their proposals directly to the Director(PFA) and the Food (Health) Authority: Delhi:

	S/Shri
Division I :	K.G. Rao
Division II :	S.K. Nanda
Division III :	R.K. Ahuja
Division IV :	S.K. Nagpal
Division V :	K.K. Mittal
Division VI :	Pawan Vats
Division VII :	G.S. Mehra
Division VIII :	Vijay Kumar
Accts Branch :	A.K. Prashar

12. Shri K.G. Rao will look after the current duties of the Deputy Director (Technical) in addition to his own duties as the Local Health Authority of Division-I.

13.The Public Analyst will be responsible for procurement of equipments and consumable stores for the Food Laboratory.

The Division VII will maintain library of law books.

14. It has been seen that the Food Inspectors have stopped interacting with this Directorate altogether and as a result this is of the view that enforcement of the PFA Act has weakened. Therefore it has been decided that the Food Inspectors shall be responsible to send daily action report to their respective divisional heads with a copy of Division VI. Further that the Divisional Heads will call a monthly meeting of Food Inspectors and plan the enforcement work for the month. The Food Inspectors besides attending the monthly meetings with their respective divisional heads shall be required to report for duty in the Head Quarter once a week to complete the work relating to prosecution of cases detected. The divisional heads will be responsible for compiling data used for monthly review meeting taken by the Hon'ble Minister of Health & Family Welfare.

15. The current system of dispatching the reports of the Public Analyst is not working satisfactorily and as such it has been decided to change the same. As the public analysts report is vital a document to consider the culpability in a case proposed to be made out under the PFA Act, 1954 under the new procedure it shall the responsibility of Food Inspectors who have sent the samples to the Food Laboratory at Lawrence Road to collect the public analysts report in their case. The Food Inspectors will be held personally responsible for delay in supplying copies of the reports to the persons/parties from whom the samples had been lifted. To this end the Divisional heads shall monitor the performance of the food Inspectors in their monthly meetings.

K.S.Wahi

Director(PFA) and Food Health Authority: Delhi

Copy to:

1. Divisional Commissioner; GNCT of Delhi with 30 spare copies for distribution among the Deputy Commissioners/ADMS & SDMs.
2. Pr. Secretary (Health) GNCT of Delhi
3. Secretary to the Minister (Health & Family Welfare) for information.
4. All Divisional Heads at the Head Quarter establishment of this Directorate
5. All the concerned Food Inspectors.
6. The Assistant Accounts Officer
7. Guard File

K.S.Wahi

Director(PFA) and Food Health Authority: Delhi

GOVERNMENT OF DELHI
Directorate of the Prevention of Food Adulteration
A-20 Lawrence Road Industrial Area
Delhi- 110035

No. 1(39)/2002/Dir. (PFA)/2088-2092

Dated 28.3.2002

OFFICE ORDER NO. 3/2002

Vide OFFICE ORDER No. 1/2002 Dated 30.1.2002 the Food Inspectors and the Local Health Authorities had been directed to send proposals for grant of consent to launch prosecution in a format devised in the order number 1/2002. In a subsequent order number 2/2002 Dated 28.2.2002 the Division VII of the Head\ Quarter Establishment was directed to scrutinize the proposals for grant of sanction for prosecution u/s 20 of the Prevention of Food Adulteration Act, 1954.

Experience of last 2 months shows that the directions contained in the above orders are not being implemented properly. Therefore it has been felt necessary to give following clarifications:

1. It is mandatory to fill all the fields in the format circulated under order number 1/2002. As and when incomplete format is received in Division VII the same will be returned immediately and the consequential delay in launching prosecutions in that case will be attributed to the investigating officers.
2. Verification of the identify of the proposed accused is the mandatory duty of the investigating officers. The Food Inspectors under sub-section (8) of section 10 of the PFA Act 1954 are empowered to exercise powers of a police officer under 42 of the Code of Criminal Procedure, 1973. This power must be used effectively whenever and wherever the Food Inspector is unable to satisfy himself about the particulars of the person suspected of having committed an offence under the PFA Act 1954.
- 3 The process of identifying the persons suspected of selling adulterated /misbranded food articles should not wait until the receipt of the public analyst report. Therefore all the investigating officers will take prompt and immediate action to collect necessary material in this direction.
- 4 All requests for the grant of consent will be processed in the Division VII and put up to Director (PFA) cum the Food (Health) Authority for his order not later than 7 days of the receipt of complete proposal from the investigating officers and the decision of the consenting authority. The decision of Director(PFA) cum the Food (Health) Authority will be communicated to the investigating officers in next 3 days. Non-adherence to the time schedule in the Division VII will be assigned to the concerned officer who was assigned the task of processing the proposal for grant of consent under section 20.

5. As per section 20 the PFA Act 1954 the consenting authority is expected to apply its own mind to the facts and circumstances of each case before granting consent for prosecution in a given case. It has been observed that the Division VII, instead of examining the proposals on the facts and circumstances of the given case and the legal provisions governing the proposed charges, has been expressing its bland views on the subject matter, which decidedly is not very helpful in expeditious disposal of cases for grant of consent. Therefore the Division VII will give detailed analysis of each case to the Director (PFA) cum the Food (Health) Authority for his easy comprehension and expeditious grant of consents.
- 6 The Division VII shall maintain a computerized record of cases instituted in a Calendar Year. Following example will explain the fields of the computerized records and the manner in which the record is to be maintained:-

S.No.	e.g. 1 of 2002;
Names of Accused:	1. e.g. abc 2. e.g. mno 3. e.g. xyz
Food Article in question:	e.g. Haldi Powder
Public Analyst Report No.	e.g. P.A./2344/xyz/1.1.2002
Date of consent	e.g. 7.1.2002
Date when complaint filed	e.g. 12.1.2002
Name of 1 st Court.	Mr. Metropolitan Magistrate
Date of judgement of 1 st court	10.12.2002
Extracts of the order Acquitted	
Appeal/Revision/Review	
Required Recommended	
Remarks	see 212 of 2003 Appeal Register

7. In such cases where consent for prosecution has been granted by the Director (PFA) cum the Food (Health) Authority the complaints will be drafted in the Division VII and the same will be filed in the courts by the departmental public prosecutors after each complaint has been assigned an continuous Serial Number of the Calendar Year for facility of monitoring the progress of the cases in the courts.
- 8 The Division VII will be custodian of all case files sent for trial therefore this division will ensure the cases files assigned to the Public Prosecutor are promptly obtained as soon as an order/Judgement is received from the court.
- 9 The Division VII be responsible for examining the judgements including the interim orders of the courts and making appropriate recommendations to Director(PFA) cum the Food (Health) Authority suggesting if an appeal/review/revision/writ/Special Leave petition is required to be filled in a given case.
10. Wherever an appeal/review/revision/writ/Special Leave petition has been filed either by the individuals against the orders of conviction or by the State against the orders of acquittal or inadequate/ improper sentences, it shall be the duty of

the Division VII shall keep appeal/review/revision writ/Special Leave petition records in format similar to one given in para 6 above.

11. The Division VII will ensure interests of the State are properly protected and proper applications/affidavits/petitions are drafted and moved in the appropriate courts within the period allowed under the law for the same.
12. The Division VII will be responsible to ensure compliance of the directions of the Chief Secretary of the Government of NCT of Delhi, regarding expeditious submissions of a brief note of cases to the Chief Secretary through the Director (PFA), where either personal appearance or affidavit of the Chief Secretary/Lieutenant Governor of the Government of NCT of Delhi is demanded by the court in case.
13. The Division VII will be responsible to maintain liaison with the Public Prosecutors in the courts of Metropolitan Magistrates or Sessions or the High Court and Shri D.S. Mehra the Advocate-on-Record currently looking after the legal work for the Union Territories (in the Central Law Agency) in the Supreme Court of India.
14. The Division VII will assign the legal advice work to one of its officers to assist the Director in discharge of his legal duties.

K.S.Wahi

Director (PFA) and Food Health Authority: Delhi

Copy to:-

1. Pr. Secretary(Health) GNCT of Delhi
2. Secretary to the Minister (Health & Family Welfare) for information.
2. All officers in the Division VII and the Public Prosecutors in the Courts
3. All food Inspectors
4. Guard file

K.S.Wahi

Director (PFA) and Food
Health Authority: Delhi

GOVT. OF THE NCT OF DELHI
DIRECTORATE OF THE PREVENTION OF FOOD ADULTERATION
A-20, LAWRENCE ROAD INDUSTRIAL AREA, NEW DELHI-35.

F.No.6(202)/Div-IV./ Comp/PFA/15-A/2912
2002

Dated 1-5-

Order No.4/2002

In exercise of the powers vested in undersigned vide clause (vi) of Rule 3 of Delhi Prevention of Rule 2002, it is ordered that every Food Inspector shall be required to lift at least 20 food samples for analysis every month and their performance will be judged on this norm. further that keeping in view the seasonality linked consumption of food articles (meant for mass consumption), it is further ordered that every Food Inspector shall concentrate his/her efforts to collect samples for analysis in respect of following food articles, in coming next two months.

1. Ground spices
2. Edible oils
3. Milk and Milk products including Ice-cream and Ice-candy etc.
4. Carbonated/Aerated water in all kind of packages
5. Mineral water/ Packaged Mineral water.

In regard to Milk and Milk Products special attention will be given to unauthorized dairies operating in the urban clusters.

It has been observed that the Food Inspectors are not lifting samples from Manufacturers/ Distributors (including wholesalers) and dealers in food articles. Further that violation in regard to enforcement of Section 14 read with Section 16 (1-C) of PFA Act are not being enforced. Similarly, even when a clear suspicion about adulteration/ misbranding exists, suspect food articles are not being seized under sub-section 4 of section 10 of PFA Act, 1954.

All the Food Inspectors and Local (Health) Authorities, supervising the collection of samples for analysis are requested to take specific note of above deficiencies.

(K.S. WAHI)
Food (Health) Authority

All the Food Inspectors
Local (Health) Authorities in Delhi.

GOVT. OF THE NCT OF DELHI
DIRECTORATE OF THE PREVENTION OF FOOD ADULTERATION
A-20, LAWRENCE ROAD INDUSTRIAL AREA, NEW DELHI-35.

F.No.6(202)/Div./ Com/PFA/1-A/3084

Dated 15th May, 2002

Order No.5/2002

The Ministry of Health and Family Welfare have brought to the notice of undersigned that an adulterated product popularly known as 'synthetic milk' is being sold with adulterants like liquid detergent, shampoo, caustic soda, urea, castor oil, white paint, white paste, hydrogen peroxide, formalin and sodium sulphate. The ministry has also informed that certain private dairies owners/ milkmen are using oxytocin a hormonal preparation to induce and enhance milk yield.

Now, therefore, all the FIs and L (H)As in continuation of earlier order No.4/2002 dated 01/05/2002 are requested to give specific attention to these adulterants while lifting food samples.

(K.S. WAHI)
Food (Health) Authority

All the Food Inspectors
Local (Health) Authorities in Delhi.

GOVT. OF THE NCT OF DELHI
DIRECTORATE OF THE PREVENTION OF FOOD ADULTERATION
A-20, LAWRENCE ROAD INDUSTRIAL AREA, NEW DELHI-35.

F.No.4(65)/90/PFA/ ADMN./

Dated Monday, July 01, 2002

Order No.6/2002

In exercise of the powers vested in the Food (Health) Authority under Clause (v) of the Rule 3 of the Delhi Prevention of Food Adulteration Rules, 2002 the undersigned with a view to regulate the working of the food Laboratory set up under the Prevention of Food Adulteration Act, 1954 directs as under:-

1. All type of Food sample for analysis will be accepted in the Food Laboratory between 10:00 AM to 1:00 PM on working days. The samples so received will be entered in a chronological register showing the date and time of the receipt of the sample.
2. The prescribed fee for analysis will be accepted upto 1:00 PM on each working day.
3. The allocation of samples for undertaking analysis by the Public Analyst/Chemists will be made strictly following roster plan ensuring samples for analysis are strictly allocated amongst Public Analyst/Chemist in the serial shown in the chronological register mentioned in (2) above.
4. The data on receipts of samples for analysis and the reports released will be kept on day to day basis.
5. The Administrative Officer in the Directorate of PFA shall be accountable for enforcement of these instructions. It shall be his duty to develop secondary data in the nature of commodity wise breakup of samples taken for analysis, the Public Analyst/Chemists/Food Inspector wise data on number of samples found actionable and not actionable under PFA Act. Further, it shall be the duty of the Administrative Officer to develop data on average time taken for each type of the test conducted in the laboratory and a food article on the whole as prescribed parameters of law.
6. The Administrative Officer will remain in constant touch with the Nodal officer (IT) and the Assistant Programmer for securing digitization of the laboratory records, including making available the laboratory records on internet.

(K.S. WAHI)
Food (Health) Authority

F.No.4(65)/90/PFA/ ADMN./3734-3741

Dated Monday, July 01, 2002

Copy to the following for information and necessary action:-

1. The Principal Secretary, Health and Family Welfare, Govt. of NCT of Delhi.
2. PS to Health Minister, Govt. of NCT of Delhi
3. All Division Heads, I to VI, Directorate of PFA, Govt. of NCT of Delhi
4. The Public Analyst, Directorate of PFA, Govt. of NCT of Delhi
5. All the Food Inspectors, Directorate of PFA, Govt. of NCT of Delhi
6. Administrative Officer, Directorate of PFA, Govt. of NCT of Delhi
7. The Assistant Programmer, Directorate of PFA, Govt. of NCT of Delhi
8. O/O file / Guard file.

(K.S. WAHI)
Food (Health) Authority

GOVERNMENT OF DELHI
Directorate of the Prevention of Food Adulteration
A-20 Lawrence Road Industrial Area
Delhi-110035

Dated September 3, 2002

Order No. 7/2002

In exercise of the powers vested in the undersigned under clause (vi) of rule 3 of the Delhi Prevention of Food Adulteration Rules, 2002 following time limits are prescribed for completing various activities

Special Report of the Food Inspector/Local (Health) Authority and the Public Analyst to the Food (Health) Authority containing proposal/suggestion for imposing ban on sale of any specific or class of food article in the interest of public health	Within 24 hours of their coming to know about sale of any specific or class of food article as it or is likely to pose danger to public health. The Special Report of the Food Inspector will be in addition to the routine report under rule 9 (e) of the Central PFA Rules, 1955
Release of commodity wise data in respect of samples lifted, the sources from samples had been lifted meaning the manufacturer /distributor/retailer/hawker and the result of analysis in each case in the Department web-site on	Until such time the Department web-site becomes truly dynamic the data with regard to samples lifted, the sources from samples had been lifted meaning the manufacturer / distributor/ retailer/hawker etc. should be picked up from the report of Food Inspector under rule 9 (e) of the Central PFA Rules, 1955 and uploaded on day-to-day basis. Further that so long as the results of analysis are not made available, the database should indicate a bookmark as "Results awaited" One - week time is allowed for completing this activity.

Completion of investigation	Three Months from the date of issue of report by the Public Analyst.
Preparing papers for seeking consent of the Food (Health) Authority for instituting prosecution in a case	Within one week from the date of completion of Investigation. The Food Inspectors/ Local (Health) Authority shall be obliged to enclose a draft Charge-sheet against specific persons giving specific charges against each, along with their proposal for grant of consent for instituting prosecution.
Considering Request for grant of consent	1 Week from receipt of request for grant of consent for prosecution. In case the Food (Health) Authority requires certain clarifications in a given case the concerned Food Inspector/Local (Health) Authority shall answer the questions within one week.
Filing of complaints in the Court	One Week from the grant of consent to institute the criminal proceedings.

Sd/-

K.S.Wahi
Food (Health) Authority

All Food Inspectors through concerned their controlling officers; and
All Local (Health) Authorities acting under the PFA Act, 1954, and
The acting current duties of the Deputy Legal Advisor; and
All Law Officers in the Directorate of PFA.

c.c. for information to:-

1. Pr. Secretary (Health & Family Welfare) GNCT of Delhi
2. The Secretary to Minister (Health & Family Welfare) GNCT of Delhi.
3. The Nodal Officer (IT) in the Directorate of PFA for putting it in the Citizens charter.

Sd/-

K.S.Wahi
Food (Health) Authority

P.A/FHA :Delhi/8318-8385
GOVERNMENT OF DELHI
Directorate of the Prevention of Food Adulteration
A-20 Lawrence Road Industrial Area
Delhi-110035

Dated September 26, 2002

Order No. 8/2002

Close scrutiny of records of samples collected it is observed that food Inspector/Local (Health) Authority teams are collecting sample of food for analysis in respect of a select articles or few popular brands only. Besides the laboratory results reveal that proportion of samples that meet the prescribed food standards is abnormally high despite wide spread allegation of Delhi Markets being flooded with adulterated articles of food. Departmental instructions place considerable emphasis is on collection of samples from manufacturers of; wholesalers in; distributors of and importers of articles of food from other states besides giving due weightage to prevalent trade practices and trends or threat perceptions in each case. Despite this it is difficult to appreciate the reasons for not utilizing powers available under sub clause (ii) & (iii) of clause (a) of sub section (1) and, clause (c) of sub section (1); sub section (4) of; and or under sub section (6) of; section 10 of the PFA Act.

From time to time the undersigned has been requesting the enforcement teams to improve the quality of their enforcement work. Given the fact that there are no restrictions/limitation on exercise of statutory powers available to the checking teams I have a growing feeling that there is something more to it than what is visible to eye behind sustained ignoring of a well defined strategy and approach delineated to curb adulteration and misbranding of articles.

To put an end to indiscretion in this regard I feel a statutory directive is called for. Accordingly in exercise of the powers vested in the undersigned under clause (vi) of rule 3 of the Delhi Prevention of Food Adulteration Rules, 2002 following directive is issued in regard to collection of samples for analysis under the Prevention of Food Adulteration Act, 1955.

1. The samples of articles of food for analysis under sub section (1) & (2) of section 10 shall be collected keeping in mind the broad spectrum of articles and within a various brands available or offered for sale by manufacturer(s); the common adulterants and forms of adulteration or misbranding in such articles of food; including the prevalent trade practices; threat perception to public health from consumption of adulterated articles.
2. Of the 20(Twenty) samples that are required to be collected by each Inspector/LHA team at least 50% of the sample shall represent articles of food collected from the manufacturer of; or from wholesalers of; importers of; and distributors of food. As regards the nature of commodities, it is expected 50% the are collected will represent milk and milk products; edible oil including vanaspati, ghee and butter oil; packaged drinking water including carbonated / aerated water; fruits and vegetables; and spices in powdered conditions.
3. The Food Inspector/LHA team will make special efforts to increase effectiveness in collection of such samples as are adulterated/ misbranded to remove an impression that only safe samples are being collected.

The Food Inspector/LHA team shall ensure strict compliance of the directive as regard collection of samples for analysis as a part of enforcement drive.

To institutionalize a system of close monitoring of the enforcement work at divisional level following additional responsibilities are assigned to the divisional Local (Health) Authorities at Head Quarter establishment:-

Shri K.G.Rao, LHA-I: Tea & Coffee; Common Salt, Dry fruit products including juices; cereals; vinegar sweets, sweetening agents and Confectionery, Food Colours, Pan masala, Gutkha.

Shri S.K. Nanda, LHA-II: Milk and milk products particularly that coming from outside Delhi, Pulses, Fresh fruit and Vegetable.

Shri R.K. Ahuja, LHA-III: All forms of cooking medium; (Fats and Bakery, Shortenings, Fat-spreads). Cooking medium shall imply all variety of edible oils, vanaspati, ghee and butter oil.

Shri S.K. Nagpal, LHA-IV: All kind of beverages-alcoholic & non-alcoholic, spices including condiments, packaged drinking water including carbonated/aerated water, and ice creams (By whatever name called or described)

Dr. P.K. Vats, LHA V: Food establishments in and around Hospitals and Nursing Homes where food is served to the patients and their attendants.

Shri K.K. Mittal, LHA-VI: Hotes and Restaurants including hostels, boarding's lodges inns, and guesthouse and other eating-places.

Note: Items included against each are indicative & not-exhaustive.

(K.S.WAHI)
FOOD (HEALTH) AUTHORITY

1. All Food Inspector/SDM-LHAs.
2. The Divisional LHAs at H.Q. Establishments

Copy to:

1. Principal Secretary (H&FW), GNCT of Delhi.
2. Secretary to Minister (H&FW), GNCT of Delhi.
3. Nodal Officer, I.T. PFA Deptt., GNCT of Delhi with a request to send a copy of this order to all concerned.

(K.S.WAHI)
FOOD (HEALTH) AUTHORITY

GOVERNMENT OF DELHI
DIRECTORATE OF PREVENTION OF FOOD ADULTERATION
A-20, LAWRENCE ROAD INDUSTRIAL AREA
DELHI-35

October ,14,2002
Order no 9/2002

In exercise of the powers vested in the undersigned under clause (vi) of rule 3 of the Delhi Prevention of Food Adulteration Rules, 2002 following directions are issued in regard to analysis of food samples undertaken the Food Laboratory under this Directorate:-

1) With immediate effect the Public Analyst shall be obliged to retain a part of the commodity, analysed and reported upon in Food Laboratory under this Directorate, for future reference and analysis as and when a need for the same arises.

2) In the absence of Central Government having prescribed any method of analysis under rule (hh) of section 23 of the PFA Act, the public analyst shall disclose method of analysis undertaken in the Food Laboratory and how a particular opinion has been formed for the use of investigation and consideration of the Food (Health) Authority at the stage of considering proposals for grant of consent under section 20 of the PFA Act.

3) The report of the Public analyst shall be confined to qualitative and quantitative examination of the sample received in the food laboratory. The Public analyst shall avoid making assumptions about fats of purchase or demand in respect of nature, substance or quality of the article of food unless specifically prescribed in the Appendix "B" or any other rule .

4) The public analyst shall be required to specifically detect and identify:-

- (a) Poisonous metals exceeding the quantities prescribed in Table under sub rule (2) of rule 57.
 - (b) Irradiated food among those sold in unpackaged conditions
 - (c) Extent of irradiation in excess of the limits prescribed in rule 74 or in violation or process of irradiation prescribed in rule 75.
 - (d) Artificial sweeteners,
 - (e) Restricted flavouring agents.
 - (f) Flesh of dead animals or fowls
 - (g) Admixtures in the article analysed
 - (h) Use of prohibited raw-materials in manufacture or preparation of another food, including crop contaminants insecticides, pesticides and naturally occurring toxic substances
 - (i) Admixtures of ghee and butter oil
 - (j) Ripening of the ready to eat articles of food.
- 5) Unless otherwise stated in the report itself non-mention of anything about detection of any of item listed in Para (3) shall mean absence of these items above items in the article of food analyzed.

Sd/-
K.S.Wahi
Food (Health) Authority

The Public Analyst

c.c for information to:-

- 1 Pr. Secretary (Health & Family Welfare) GNCT of Delhi.
- 2 The Secretary to Minister (Health & Family Welfare) GNCT of Delhi.
- 3 The Nodal Officer (IT) in the Directorate of PFA for putting it in the Citizens Charter.

Sd/-
K.S.Wahi
Food (Health) Authority

GOVERNMENT OF DELHI
Directorate of the Prevention of Food Adulteration
A-20 Lawrence Road Industrial Area
Delhi- 110035

No. 9233-36

October 23,2002

ORDER NO. 10/2002

1. Some time back a group of Food Inspectors had met the undersigned and told that it is not possible for them to meet targets for lifting samples, since they do not individually collect samples. It is clarified that each food Inspectors has to achieve targets prescribed for lifting samples. Further that in view of the fact that the practice of lifting samples in groups of Food Inspectors neither in accordance of law nor supported any departmental instructions on the subject, the food Inspectors are advised to do their statutory work as per law failing which they shall expose themselves to disciplinary action.
2. To secure performance of Food Inspectors as per the law and effectuate the enforcement of the disposal norms the Food Inspectors are posted in the sub-division mentioned against each with effect from the date of Issue of this order every Food Inspector shall lift samples in his/her area only. No Food Inspectors shall lift any sample for analysis outside his/her jurisdiction without special authorization form undersigned For packing The samples every Food Inspector shall use paper seal of the Local (Health) Authority of the concerned sub-division.

S.NO	Name	Sub-Division	District
1	Sh. Sanjiv Kumar Gupta	Saraswati Vihar	North -West
2	Sh. B.P Sarohe	Model Town	North- West
3	Sh. O.P S Ahlawat	Narela	North- West
4	Dr. P.M Kothekar	Narela	North- West
5	Sh. R.P. Singh (Senior)	Hauz Khas	South
6	Sh. C.B. Boora	Defence Colony	South
7	Sh. Pawan Bhatnagar	Kalkaji	South
8	Sh. A.K Singh	Vasant Vihar	South-west
9	Sh. P.C. Tiwari	Delhi Cantt	South-west
10	Sh. D.V. Singh	Najafgarh	South-west
11	Sh. Arun Kumar Gupta	Najafgarh	South-west
12	Sh. V.P.S Choudhary	Patel Nagar	West
13	Sh. R.K. Bhaskar	Rajouri Garden	West
14	Sh. Hukam Singh Meena	Punjabi Bagh	West
15	Sh. Gian Chand	Karol Bagh	Central
16	Sh. M.K Gupta	Pahar Ganj	Central
17	Sh. Shyam Lal	Darya Ganj	Central
18	Sh. Suniti Kumar Gupta	Seelam Puri	North-East
19	Sh. R.P. Singh (Junior)	Shahdara	North-East
20	Ms. Usha Kiran	Seema Puri	North-East

21	Sh. D. P. Singh	Chankya puri	New Delhi
22	Sh. Bal Mukand	Connaught Place	New Delhi
23	Sh. Jeet Ram	Parliament Street	New Delhi
24	Sh. P.N. Khatri	Kotwali	North
25	Sh. N.N. Sharma	Sadar Bazar	North
26	Sh. Virender Singh Mann	Civil Lines	North
27	Sh. Ranjit Singh	Gandhi Nagar	East
28	Sh. S.P. Singh	Preet Vihar	East
29	Sh. S.B. Sharma	Vivek Vihar	East

- Note Sh. S.B. Sharma is currently under suspension, Accordingly Sh. Ranjit Singh Shall look after the work of Vivek Vihar sub-division until further orders on the subject.
3. Like any other government servant, every food Inspector is duty bound to hand over the charge of the new incumbent on transfer from said charge. The new Food Inspector shall continue with investigation of complaints/ cases from the point where the same were left by predecessor in office. The Food Inspectors shall be the investigation Officer for his area in respect of offences under the PFA Act.
 4. For removal of any doubt about the limits of jurisdiction for each Food Inspector or Local (Health) Authority it is clarified that for the purposes of enforcement of Prevention of Food Adulteration Act territorial limits will be same as that of the Police sub-division.
 5. S/Shri A.K. Dhir, S.K Sharma and Satish Gupta are posted in the Prosecution Branch. These inspectors shall scrutinize the proposals for grant of consent under section 20 of the PFA Act.
 6. For Para (6) of order number 1/2002 dated 30.1.2002 following shall be sent to the Prosecution Branch in following format-

- 1 Number of Case: (Say 1 of 2002 or 123 of 2001)
Note The case number will be assigned on the basis of continuous serial number in the case register of the sub-division and followed by the year in which case was detected.
- 2a:- Date of lifting Sample.
- 2b:- Date on which report under rule 9 (e) sent {(Enclose a copy of the report)
3. Date of issue of public analyst report u/s 13 (1) of PFA Act. (Enclose a copy of the report)
- 4 Date of completion of investigation

5. Reasons for delay, if any , in completing investigation
6. Name and Address of Proposed accused and who identifies him/her.

S.NO	Name and Address of Proposed accused	Name of person who has identified the accused

6. if any of the above named accused was arrested under section 42 of Cr. P.C
7. Draft consent letter

Note : The draft consent letter shall give facts of the case of specific sections under which prosecution is proposed with names and address of persons identified for prosecution.

- 8 Text of complaint giving specific charges , oral and documentary evidences to support the charges proposed.
7. Food Inspector shall be responsible for food safety within his/her area , collection of market intelligence and preparation of enforcement plan for the area under his/her control . He shall also be responsible for, timely attending to complaints of adulteration and misbranding in food articles within the area under his/her control.

K.S.Wahi
Food (Health) Authority

1. All Food Inspectors/
2. All SDM/LHAs.
3. The Divisional LHAs at H.Q. Establishments
4. Nodal Officer (IT) PFA Deptt, GNCT of Delhi with a request to send a copy of this order to all concerned.

K.S.Wahi
Director (PFA) and Food Health Authority: Delhi

GOVERNMENT OF DELHI
Directorate of the Prevention of Food Adulteration
A-20 Lawrence Road Industrial Area
Delhi-110035

No. 9215-9220

October 22, 2002

Order No. 11/2002

In exercise of the powers vested in the undersigned under clause (i) read with clause (vi) of rule 3 of the Delhi Prevention of Food Adulteration Rules, 2002 it is ordered that the a Food Inspector in-charge of a sub-division shall file every complaint under PFA Act in the court, in respect of which an offence is alleged to have been committed in that sub-division, once a consent required under section 20 of the PFA Act has been obtained.

Further that the responsibility for timely institution of cases in the court shall be that of the Local (Health) Authority of the sub-division where a case is made out.

To the above extent this order modifies every such authorization that has been given in favour of S/Shri A. K. Gupta and Raj Narain the departmental Public Prosecutors of this Directorate.

-Sd/-

K. S. Wahi
Food (Health) Authority

All Food Inspectors and
All Local (Health) Authorities acting under the PFA Act, 1954 and
All Law Officers in the Directorate of PFA.

c.c. for information to :-

1. Pr. Secretary (Health & Family Welfare) GNCT of Delhi
2. The Secretary to Minister (Health & Family Welfare) GNCT of Delhi.
3. The Nodal Officer (IT) in the Directorate of PFA for putting it in the Citizens charter.

-Sd/-

K. S. Wahi
Food (Health) Authority

GOVERNMENT OF DELHI
Directorate of Prevention of Food Adulteration
A-20, Lawrence Road Industrial Area,
Delhi-110035

October 22,2002

Order No. 12/2002

Consequent upon a vacancy of food Inspector becoming available Shri Suniti Kumar Gupta is posted in the Seelam Puri Sub-division of North-East district with immediate effect.

Sd/-

(K.S.WAHI)
Food (Health) Authority

1. Deputy Commissioner (North East)
2. SDM/LHA Seelam Puri Sub-Division
3. Shri Suniti Kumar Gupta food Inspector
4. The Administrative officer

Sd/-

(K.S.WAHI)
Food (Health) Authority

GOVERNMENT OF DELHI
Directorate of Prevention of Food Adulteration
A-20, Lawrence Road Industrial Area,
Delhi-110035

No: 9263-9266

October 24,2002

Order No. 12/2002

Following issuance of order number 10/2002 dated 23.10.2002 a clarification has been asked about the manner in which services of Field Assistants are to be availed by the Food Inspectors. It is clarified that there has been no change in the deployment of Field Assistants. Therefore a Food Inspector needing services of a Field Assistant for lifting sample shall continue to approach the Deputy Commissioner or any other officer nominated by him in this regard as before.

Sd/-

(K.S.WAH)

Food (Health) Authority

1. All Food Inspectors
2. All SDM/LHAs.
3. The Divisional LHA's at H.Q. Establishments
4. Nodal Officer (I.T) PFA Deptt., GNCT of Delhi with a request to send a copy of this order to all concerned.

Sd/-

(K.S.WAH)

Food (Health) Authority

GOVERNMENT OF DELHI
DIRECTORATE OF PREVENTION OF FOOD ADULTERATION
A-20, LAWRENCE ROAD INDUSTRIAL AREA
DELHI-35

December ,13,2002
Order no 13/2002

It has been pointed out that existing practice for undertaking investigation of cases and processing of proposals for grant of consent under section of the PFA Act in this Directorate is against the letter and spirit of various decisions of the Supreme Court of India particularly that of R. Sarla Vs. T.S. Velu & others {reported as (2000) 4 Supreme Court cases 459.

In R Sarla Vs. T.S. Velu & others the Supreme Court of India has held that investigation and prosecution of cases are two different facts in the administration of criminal justice. The role of the public prosecutor is inside the court , whereas the investigation is outside the court. Normally the role of public prosecutor commences after the investigating agency presents the case in the court on culmination of the investigation. No investigating agency can be compelled to seek the opinion of the public prosecutor. However, it is always open to any officer, including investigation officer, to get best legal opinion on any legal aspect concerning the preparation of any report. Further that even when the law required that prosecution could be commenced only with the sanction of some prescribed authority, the sanctioning authority is not consultee of the investigation officer to form an opinion regarding final shape of investigation.

Some time back the Law & Judicial Department of GNCT of Delhi advised had advised this Directorate against entrustment of duties of filing complaints in the court to even to the departmental Public Prosecutors who had no court duty to perform. Thereupon besides posting 3 Food Inspectors in the Prosecution Branch for examining proposals for grant of consent under section 20 of the PFA Act exclusively, an order number 11/2002 was issued, to modify earlier order number 3/2002, empowering Foods Inspectors in-charge of Sub Division to the file complaints in the court. According to these orders the every Food Inspectors who had been holding or processing a PFA case file under old arrangements, was required to hand over every such case file to the designated Food Inspector on as its where it is basis if he was not the designated Food Inspector for the Sub-Division himself.

The Administration Branch has reported that it has so far not received a copy of the charge making over report from any Food Inspector. Further the data made available by the Public Analyst and the Addl. Public Prosecutor posted in the designated Food Court it appears more than 370 cases pertaining to 2001 and 2002 are yet to be filed in the court. This is quite serious given the time limits stipulated for completion of investigations and seeking consent for prosecution.

During weekly meeting held in 13th December 2002 some officers had raised basic questions about expanse of authority of Food Inspectors as Investigation officers and role of the Local (Health) Authority or Prosecution Branch, As per Delhi Prevention of Food Adulteration Rules 2002 the Food Inspectors are to undertake investigation of the PFA cases under the supervision of the Local (Health) Authority. This provision is somewhat similar to provision contained in section 551 of the Cr. P.C. The Prosecution Branch has an advisory role.

As regards the expanse of the authority of Investigation Officer is concerned the Supreme Court of India has laid parameters in two cases namely the State Vs. Raj Kumar Jain [(1998) 6 SCC 551, and Vineet Narain v. Union of India [(1998)] SCC226.]

In State V. Raj Kumar Jain [(1998) 6 SCC 551 the Supreme Court of India has reaffirmed the law as was enunciated in its earlier decision in Abhinandhan Jha Vs. Dinesh Mishra { AIR 1968 SC 117 } where it had observed that:-

“We have already pointed out that the investigation under the code takes in several aspects and stages ending ultimately with formation of an opinion by the police officer as to whether, on material covered and collected a case is made out to place the accused before the Magistrate for trial and the submission of either charge sheet or final report is dependent on the nature of opinion so formed. The formation of said opinion by police so pointed out

earlier is final step in the investigation and that final step is to be taken only by the police and by no other authority.”

In H.N. Rishbud Vs, State of Delhi [[AIR 1955 SC 196] the Supreme Court has held that there is no provision permitting delegation of authority to formation of opinion as to whether or not to place he accused on trial... but only a provision entitling superior officer to supervise or participate under section 551.

Further in Vineet Narain V. Union of India [(1998) 1 SCC 226] the Supreme Court while following Allahabad High Court order (1968) 1 All ER 7632 QB118 (1968) Cri I.J 413 has reiterated the views of Lord Denning in R.V. Metropolitan Police Commissioner and held these views to be in line with our constitution scheme. Lord Denning in R.V. Metropolitan Police Commissioner had said as follows:-

“ I have no hesitation, however in holding that like every constable in the land he should be an independent of the executive. He is not subject to the orders of the Secretary of the State.... I hold it to be the duty of the Commissioner of Police, as it is of every Chief Constable of Police to enforce the law of the land. He must take steps so as to post his men that crimes may be detected and the honest citizens may go about their affairs in peace. He must decide whether or not suspected persons are to be prosecuted; and if need be, bring the prosecution or see that it is brought ; but in all these things he is not servant of any one, save the law itself. No Minister of the Crown can tell him that he must or must not keep observation on this place or that or that he must or must not prosecute this or that one. Nor can any police authority tell him so. Thee responsibility for law enforcement lies on him. He is answerable to law and law alone.”

Given above the undersigned being the Food (Health) Authority for the National Capital Territory of Delhi in exercise of the powers vested in him under clause (I) read with clause (vi) of rule 3 of the Delhi Prevention of Food Adulteration Rules,2002 directs every Food Inspector to hand over the case files to the designated Food Inspectors on as its basis if he himself is not the designated Food Inspectors for the Sub-Division concerned. If he does not complete this process latest by 24th December 2002 he shall be deemed to have willfully delayed process of investigation of cases and/or instituting the cases in the court.

The Sr.Public Prosecutor looking after the current duty of Deputy Legal Advisor shall earmark one of the 4 Food Inspectors posted in the Prosecution Branch for securing day-to-day report on institution of cases and the progress of cases listed for hearing in various courts to facilitate review of cases pending in different courts and timely follow up action. The remaining three Food Inspectors shall be allocated specific Districts for undertaking scrutiny of proposals for grant of consent under section 20 of the PFA Act, 1954, as per the orders in the subject. It shall be the duty of the Prosecution Branch to ensure time limits prescribed for grant of consent are strictly followed besides pointing out time over-runs in investigation of cases and jurisdictional irregularities if any.

Sd/-
K.S.Wahi
Food (Health) Authority

All Food Inspectors and
All Local(Health) Authorities acting under the PFA Act, 1954 and
All Law Officers in the Directorate of PFA

c.c for information to:-

1. Pr. Secretary (Health & Family Welfare) GNCT of Delhi.
2. The Secretary to Minister (Health & Family Welfare) GNCT of Delhi.
3. The Nodal Officer (IT) in the Directorate of PFA for putting it in the Citizens Charter.

Sd/-
K.S.Wahi
Food (Health) Authority

DELHI ADMINISTRATION, DELHI
MEDICAL AND PUBLIC HEALTH DEPARTMENT

Delhi the 28th October, 1985

NOTIFICATION

F.32(6)76 M&PH. In exercise of the powers conferred by Section 20 of the Prevention of Food Adulteration Act 1954 read with Government of India, Ministry of Health No.F.14/46/SF, dated the 24th April, 1957, the Administrator of the Union Territory of Delhi hereby appoints the Director of Prevention of Food Adulteration, Delhi Administration, Delhi, as an authority to authorise the launching of prosecutions under the said Act.

This Administration's Notification No.32/6/76-M&PH. Dated the 29th December, 1976. issued under the said section 20, is hereby cancelled.

Sd/-

By Order in the name of the
Administrator of the Union
Territory of Delhi
Ashok Bakshi
Joint Secretary(Medical)

DELHI ADMINISTRATION : DELHI
(M & PH DEPARTMENT)

5, Sham Nath Marg,
Delhi-54

Dated : 29.11.1978.

NOTIFICATION

No.F.32/40/78-M&PH. In exercise of the powers conferred by clause (vi) of section 2 of the Prevention of Food Adulteration Act, 1954 the Administrator is pleased to appoint the Director, Prevention of Food Adulteration, Delhi Administration as Food (Health) Authority for the whole of the Union Territory of Delhi.

By Order,
Sd/-

(R.N. PURI)
Deputy Secretary(M&PH)
Delhi Administration: Delhi

DELHI ADMINISTRATION, DELHI
(CONFIDENTIAL CELL)

No.F.4(1)78-CC(V)/

Dated the 19th June 1978

ORDER

The Lt. Governor, Delhi is pleased to order that:-

1. A separate Department of Prevention of Food Adulteration be created to enforce and administer the provisions of the Prevention of Food Adulteration Act 1954, as amended and Rules made thereunder from time to time.
2. The Department shall be responsible for making all out efforts for the prevention of adulteration in food and for that purpose take samples of food articles, get them scientifically analysed and launch prosecution, wherever necessary; and
3. The Department shall make efforts to educate the public of the menace of adulteration and seek their cooperation in fighting it.

The Department shall till further orders function under the Secretary(Medical).

Sd/-
(W.C.KHAMBRA)
UNDER SECRETARY (SERVICES)

No.F.4(1)/78 CC(v)/

Dated the 19th June 1978

Copy forwarded to:

1. The Secretary to the Govt. of India, Ministry of Home Affairs, New Delhi.
2. The Secretary to the Govt. of India, Ministry of Food & Agriculture, New Delhi.
3. The Secretary to the Govt. of India, Ministry of Health & Family Welfare, New Delhi.
4. All Heads of Departments, Delhi Administration, Delhi.
5. Private Secretary to Lt. Governor, Delhi.
6. Private Secretary to the Chief Secretary, Delhi.
7. Private Secretary to the Chairman/Dy. Chairman, Metropolitan Council, Delhi.
8. Secretary to the Chief Executive Councilor/Executive Councilors, Delhi.
9. Accountant General, Central Revenues, New Delhi.
10. Secretary (Medical), Delhi Administration, Delhi.
11. Deputy Secretary(Medical), Delhi Administration, Delhi.
12. Deputy Secretary(Services), Delhi Administration, Delhi.
13. Director of Accounts, Delhi Administration, Delhi.
14. Controller of Accounts, Delhi Administration, Delhi.
15. Director, Health Services, Delhi Administration, Delhi.
16. Guard File

Sd/-
(W.C.KHAMBRA)
UNDER SECRETARY(SERVICES)

DELHI ADMINISTRATION : DELHI
(M&PH DEPARTMENT)

5-Sham Nath Marg,
Delhi-110054,
dated the 17th May, 1978.

NOTIFICATION

No.F.32/6/76-M&PH:- In exercise of the power conferred by clause(vi) of section 2 of the Prevention of Food Adulteration Act, 1954 the Administrator hereby appoints the Director Health Services, Delhi Administration, as Food (Health) Authority for the entire area of the Union Territory of Delhi.

By order,

Sd/-
(V.P. SURI)
DEPUTY SECRETARY (MEDICAL)

NO.F.32/6/76 M&PH

Dated the, 17th May, 1976.

To be published in Delhi Gazette (Extraordinary Part IV)
DELHI ADMINISTRATION (M&PH Deptt.)
5, Sham Nath Marg Delhi-110054

F.32(6)76 M&PH

Dated the 26th July 1977.

NOTIFICATION

In exercise of the powers conferred by Sub-Section (I)(viii) of Section 2 of the PFA Act, 1954 read with Government of India's Notification No.F.14/46/5-F, dated 24-4-1977, the Lt. Governor is pleased to declare the Director of Health Services, Delhi Administration, as the "Local Authority" in respect of Local Area declared vide this Administration Notification No.F.32/G/76/M&PH dated the 29th Dec, 1976.

By Order
Sd/-

(A.K. Kapur)
Deputy Secretary(M&PH)
Delhi Administration, Delhi
Dated the July, 77.

No.F.32/6/76-M&PH

Copy for information and necessary action:-

- 1) Copy (with two spare copies) to the Public Relation Department, Delhi Administration, Delhi for publication of the notification in Delhi Gazette extra ordinary of the date.
- 2) Under Secretary (Law & Judicial), Delhi Administration, Delhi.
- 3) Director of Health Services, Delhi Administration, Delhi.
- 4) Director General of Health Services, Nirman Bhawan, New Delhi.
- 5) Secretary to the Govt. of India, Ministry of Health and Family Planning (Department of Health), New Delhi.
- 6) Secretary, Central Food Standards Committee, Dte. General of Health Services, New Delhi.
- 7) Commissioner, Municipal Corporation of Delhi, Delhi.
- 8) President, New Delhi, Municipal Committee, New Delhi.
- 9) Municipal, Health Officer, Municipal Corporation of Delhi, Delhi.
- 10) Medical Officer of Health, New Delhi Municipal Committee New Delhi.
- 11) Public Analyst, Food Laboratory, MCD, Civil Lines, Delhi.
- 12) Asstt. Director of Health, M/O Rly. Railway Board, New Delhi.
- 13) Executive Officer, Cantonment Board, Delhi Cantt.
- 14) Senior Chemist, Food Laboratory, Municipal Corporation of Delhi Civil Lines.
- 15) Secretary to Executive Councillor(Medical), Delhi.

Sd/-
(A.K. Kapur)
Deputy Secretary(M&PH)
Delhi Administration, Delhi

26-7-1977

To be published in Delhi Gazette (Extraordinary Part IV)

F.32(6)76 M&PH

DELHI ADMINISTRATION (M&PH Deptt.)

5, Sham Nath Marg,

Delhi-110054

Dated the 29th Dec. 1976.

NOTIFICATION

No.F.32(6)/76-M&PH- In exercise of the powers conferred by clause (vii) of section 2 of the Prevention of Food Adulteration Act, 1954, read with Government of India, Ministry of Health Notification No.F.14/46/5,M., dated the 24th April, 1957, the Administrator is pleased to declare the whole of the Union Territory of Delhi as the local area, for the purposed of the said Act,:-

By Order,
Sd/-

(V.P. Suri)
Deputy Secretary(Medical),
Delhi Administration, Delhi
Dated the 29th Dec. 1976

No.F.32/6/76-M&PH

- Copy for information and necessary action:-
- 1) Copy (with two spare copies) to the Public Relation Department, Delhi Administration, Delhi for publication of the notification in Delhi Gazette extra ordinary of the date.
 - 2) Under Secretary (Law & Judicial), Delhi Administration, Delhi.
 - 3) Director of Health Services, Delhi Administration, Delhi.
 - 4) Director General of Health Services, Nirman Bhawan, New Delhi.
 - 5) Secretary to the Govt. of India, Ministry of Health and Family Planning (Department of Health), New Delhi.
 - 6) Secretary, Central Food Standards Committee, Dte. General of Health Services, New Delhi.
 - 7) Commissioner, Municipal Corporation of Delhi, Delhi.
 - 8) President, New Delhi, Municipal Committee, New Delhi.
 - 9) Municipal, Health Officer, Municipal Corporation of Delhi, Delhi.
 - 10) Medical Officer of Health, New Delhi Municipal Committee New Delhi.
 - 11) Public Analyst, Food Laboratory, MCD, Civil Lines, Delhi.
 - 12) Asstt. Director of Health, M/O Rly. Railway Board, New Delhi.
 - 13) Executive Officer, Cantonment Board, Delhi Cantt.
 - 14) Senior Chemist, Food Laboratory, Municipal Corporation of Delhi Civil Lines.
 - ✓ 15) Secretary to Executive Councillor(Medical), Delhi.

Sd/-
(V.P. Suri)
Deputy Secretary(Medical)
Delhi Administration, Delhi

28-12-1976

M & PH DEPARTMENT

NOTIFICATION

Dated: the 5 Oct, 1976

NO.F.32/6/76-M&PH- In exercise of the powers conferred by clause (viii)(2) of Sec.2 of the Prevention of Food Adulteration Act 1954 and read with Govt. of India, Ministry of Health's Notification No.F.14/56546/S-F, dated the 24th April, 1957, The Administration is pleased to appoint the following officers as Local (Health) Authority to be incharge of Health Administration for the whole of the Union Territory of Delhi:-

1. Joint Director of Health Services, Delhi Admn. Delhi.
2. Asstt. Drugs Controller, Delhi Admn., 15-Alipore Road, Delhi

This Administration's notification of even number dated the 6th Sept. 1976, issued under the said section 2, is hereby cancelled.

Sd/-
V.P. SURI, Dy. Secy.

Most Immediate

P.15014/7/2002 -PH (FOOD)Pt.
Food Safety and Standards Authority of India
PFA Division

NBCC Building, East Tower
Bhishma Pitamah Marg, Pragati Vihar
New Delhi-110003
Dated the May 15 2010

To

1. All Food(Authorities) of States/Uts.
2. All Public Analysts/Director CFLs
3. All Members of CCFS
4. Trade/Consumers Organisations

Sub: (Corrigendum - GSR 175(E) dated 5.3.10 published in part II, section 3, sub-section (i) of Gazette of India, Extraordinary.

640/Dir(PFA)
14-5-10

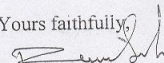
Madam/Sir,

Please find enclosed a copy of the above noted Corrigendum GSR 175(E) dated 5.3.10 to the PFA (Amendment) Rules, published vide G.S.R. 356(E) dated 7.6.2005 published in part II, section 3, sub-section(i) of Gazette of India, Extraordinary for your information, reference and records.

It is requested that the above Corrigendum may please be brought to the notice of all concerned for their information and further necessary action.

The receipt of this letter may please be acknowledged.

Yours faithfully,



(Dr. Dhir Singh)
Assistant Director General (PFA)

Spec.

1/10/10

A.L.V.A.-7

V
MOST IMMEDIATE

No. P.15025/200/2009 -PFA/FSSAI
Food Safety and Standards Authority of India
(M/o Health & Family Welfare)

FDA Bhawan, Kotla Road
New Delhi-110002
Dated: 13th May, 2010

To

All Food Safety Commissioners/Food (Health) Authorities of State/UTs

Subject: (Draft on Regulation of Trans Fatty Acids in Partially Hydrogenated Vegetable Oils (PHVOs) - reg.)


Madam/Sir,

This is to bring to your kind notice that the Food Safety and Standards Authority of India propose regulation of trans fat in industrially produced partially hydrogenated vegetable oils in the country. The Expert Group constituted by the Authority had considered the matter and in the light of observations made by the Expert Group, a consultation paper has been prepared to elicit views of the stakeholders.

655/2010
P-7 B-10
The consultation paper on 'Regulation of Trans Fatty Acids in Partially Hydrogenated Vegetable Oils' is available on the FSSAI website www.fssai.gov.in.

Your comments, if any, may please be sent to the undersigned within a fortnight of receipt of this letter.

Yours faithfully,



(Dr. Dhir Singh)
Assistant Director General (PFA)
Tel. No.23237418
Fax No.:23220994
E-mail: adgpfa@nic.in

Spent L

424A-1

MOST IMMEDIATE

No. P.15025/7/2010 -PFA/FSSAI
Food Safety and Standards-Authority of India
(M/o Health & Family Welfare)

FDA Bhawan, Kotla Road
New Delhi-110002
Dated: 13th May, 2010

To

All Food Safety Commissioners/Food (Health) Authorities of State/UTs

Subject: - Draft on Regulation of Energy Drinks and Caffeine - reg.

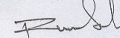
Madam/Sir,

This is to bring to your kind notice that the Food Safety and Standards Authority of India propose regulation on Energy Drinks and Caffeine in the country. The Expert Group constituted by the Authority had considered the matter and in the light of observations made by the Expert Group, a consultation paper has been prepared to elicit views of the stakeholders.

The consultation paper on 'Energy Drinks' is available on the FSSAI website www.fssai.gov.in.

Your comments, if any, may please be sent to the undersigned within a fortnight of receipt of this letter.

Yours faithfully,



(Dr. Dhir Singh)
Assistant Director General (PFA)
Tel. No.23237418
Fax No.:23220994
E-mail: adgpfa@nic.in



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 101]
No. 101]

नई दिल्ली, शुक्रवार, मार्च 5, 2010/फाल्गुन 14, 1931
NEW DELHI, FRIDAY, MARCH 5, 2010/PHALGUNA 14, 1931

स्वास्थ्य और परिवार कल्याण मंत्रालय
(स्वास्थ्य और परिवार कल्याण विभाग)

शुद्धि-पत्र

नई दिल्ली, 5 मार्च, 2010

सा.का.नि. 175(अ).—भारत के राजपत्र, असाधारण के भाग II, खंड 3, उप-खंड (i) में पृष्ठ संख्या 1-77 पर प्रकाशित भारत सरकार, स्वास्थ्य और परिवार कल्याण मंत्रालय (स्वास्थ्य विभाग) की अधिसूचना संख्या सा.का.नि. 356(अ), दिनांक 7-6-2005 [खाद्य अपमिश्रण निवारण (चौथा संशोधन), नियमावली, 2005] और भारत के राजपत्र, असाधारण के भाग II, खंड 3, उप-खंड (i) में प्रकाशित शुद्धि-पत्र संख्या सा.का.नि. 706(अ), दिनांक 6-12-2005, सा.का.नि. 131(अ), दिनांक 3-3-2006, सा.का.नि. 532(अ), दिनांक 5-9-2006, सा.का.नि. 575(अ), दिनांक 5-9-2007, सा.का.नि. 591(अ), दिनांक 13-8-2008, सा.का.नि. 805(अ), दिनांक 20-11-2008, सा.का.नि. 117(अ), दिनांक 24-2-2009, सा.का.नि. 329(अ), दिनांक 15-5-2009 और सा.का.नि. 606(अ), दिनांक 28-8-2009 के साथ पठनीय, पृष्ठ 2 पर, नियम 1 के उप-नियम (2) को निम्न प्रकार से पढ़ा जाएगा,—

“(2) ये नियम राजपत्र में प्रकाशन की तारीख से नौ माह की अवधि के पश्चात् प्रवृत्त होंगे सिवाय नियम 2 के उप-नियम (ii) के खंड (क), खंड (च) के मद संख्या क. 11.02.06, क. 11.02.06.01, क. 11.02.06.02, खंड (छ) के मद संख्या क. 11.02.07, क. 11.02.07.01, क. 11.02.07.02, क. 11.02.08 और खंड (ड) तथा परिशिष्ट ‘ग’ की सारणी-14

और परिशिष्ट ‘घ’ की सारणी-3 में उनसे संबंधित प्रविष्टियां, जो 7-9-2010 को प्रवृत्त होंगी”

[फा. सं. पी. 15014/7/2002-जन स्वास्थ्य (खाद्य)]

विनीत चौधरी, संयुक्त सचिव

टिप्पण : खाद्य अपमिश्रण निवारण नियम, 1955 भारत के राजपत्र, भाग II, खंड 3 में का.नि.आ. संख्यांक 2106, दिनांक 12 सितम्बर, 1955 द्वारा प्रकाशित किए गए थे और सा.का.नि. 431(अ), दिनांक 19 जून, 2009 द्वारा उनका अंतिम संशोधन किया गया था।

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health and Family Welfare)

CORRIGENDUM

New Delhi, the 5th March, 2010

G.S.R. 175(E).—In the notification of Government of India, Ministry of Health and Family Welfare (Department of Health) No. G.S.R. 356(E), dated the 7th June, 2005, [Prevention of Food Adulteration (Fourth Amendment) Rules, 2005] published in Part II, Section 3, Sub-section (i) at pages 1-77 of the Gazette of India, Extraordinary and read with Corrigendum G.S.R. 706 (E), dated 6th December, 2005, G.S.R. 131(E), dated 3rd March, 2006, G.S.R. 532 (E), dated 5th September, 2006, G.S.R. 575(E), dated 5th September, 2007, G.S.R. 591 (E), dated 13th August,

2008, G.S.R. 805(E), dated 20th November, 2008, G.S.R. 117(E), dated 24th February, 2009, G.S.R. 329(E), dated 15th May, 2009 and G.S.R. 606(E), dated 28th August, 2009 published in Part II, Section 3, Sub-section (i) of the Gazette of India, Extraordinary, at page 44, sub-rule (2) of rule 1, shall read as follow,—

“(2) They shall come into force after nine months except clause (a), items No. A.11.02.06, A.11.02.06.01, A.11.02.06.02 of clause (f), items No. A.11.02.07, A.11.02.07.01, A.11.02.07.02, A.11.02.08 of clause (g) and clause (m) of sub-rule (ii) of rule 2 and entries

relating thereto in Table 14 of Appendix-C and Table 3 of Appendix-D, which shall come into force on 7-9-2010.”

[F. No. P. 15014/7/2002-P.H. (Food)]
VINEET CHAUDHRY, Jt. Secy.

Note:— The Prevention of Food Adulteration Rules, 1955 were published in Part II, Section 3 of the Gazette of India vide S.R.O. 2106, dated the 12th September, 1955 and were last amended vide G.S.R. 431(E), dated 19th June, 2009.

Most Immediate

No. P.15014/1/2008-PFA/FSSAI
Food Safety and Standards Authority of India
Ministry of Health and Family Welfare

1st Floor, East Tower, NBCC Place,
Bhishm Pitamah Marg, Pragati Vihar,
New Delhi
Dated 27 May, 2010

To,

1. All Food (Health) Authorities of States/U.Ts./Commissioner Food Safety.
2. All Public Analysts/Director, Central Food Laboratories
3. Trade Associations
4. Consumer Organizations

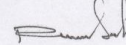
Subject:- Prevention of Food Adulteration (2nd Amendment) Rules, 2010 - (Notification GSR No. 351(E) dated 27.4.2010 relating to quantity of samples to be sent to Public Analyst under P.F.A. Rules, 1955).

Madam/ Sir,

Enclosed please find a copy of the final notification GSR No. 351(E) dated 27.4.2010 published in the Gazette of India (Extraordinary) Part II, section 3, sub-section (i) relating to quantity of samples to be sent to Public Analyst under P.F.A. Rules, 1955.

This may please be brought to the notice of all concerned.

Yours faithfully,



(Dr. Dhir Singh)
Assistant Director General (PFA)
E.Mail:- adgpf@nic.in

Copy to:- (i) PS to C.E.O, FSSAI.
(ii) Media Consultant, FSSAI.

For circulation to all concerned,
(E) keep it in front file
relating to notification
(3) please one copy is given to union in A u
ALHA - P



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 215]
No. 215]

नई दिल्ली, मंगलवार, अप्रैल 27, 2010/वैशाख 7, 1932
NEW DELHI, TUESDAY, APRIL 27, 2010/VAISAKHA 7, 1932

स्वास्थ्य और परिवार कल्याण मंत्रालय
(स्वास्थ्य और परिवार कल्याण विभाग)

अधिसूचना

नई दिल्ली, 27 अप्रैल, 2010

सा.का.नि. 351(अ).—खाद्य अपमिश्रण नियम, 1955 का और संशोधन करने के लिए, खाद्य अपमिश्रण अधिनियम, 1954 (1954 का 37) की धारा 23 की उप-धारा (1) की अपेक्षानुसार, कतिपय नियमों का प्रारूप, भारत सरकार के स्वास्थ्य और परिवार कल्याण मंत्रालय (स्वास्थ्य विभाग) की अधिसूचना संख्यांक सा.का.नि. 44(अ), तारीख 22 जनवरी, 2009 द्वारा भारत के राजपत्र, असाधारण, भाग II, खण्ड 3, उप-खण्ड (i), तारीख 22 जनवरी, 2009 में पृष्ठ 1-2 में प्रकाशित किया गया था, जिसमें उन सभी व्यक्तियों से जिनके उससे प्रभावित होने की संभावना थी उस तारीख से, जिसको उक्त अधिसूचना वाले राजपत्र की प्रतियाँ जनता को उपलब्ध करवा दी गई थीं, साठ दिन की अवधि की समाप्ति के पूर्व आक्षेप और सुझाव मांगे गए थे;

और उक्त राजपत्र की प्रतियाँ जनसाधारण को तारीख 2 फरवरी, 2009 को उपलब्ध करवा दी गई थीं;

और उक्त प्रारूप नियमों पर विनिर्दिष्ट अवधि के भीतर जन साधारण से प्राप्त आक्षेपों और सुझावों पर केन्द्रीय सरकार द्वारा विचार कर लिया गया है;

अंतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 23 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, खाद्य मानकों की केन्द्रीय समिति के साथ परामर्श करने के पश्चात् खाद्य अपमिश्रण निवारण नियम, 1955 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है,

अर्थात् :—
1589 GI/2010

1. (i) इन नियमों का संक्षिप्त नाम खाद्य अपमिश्रण निवारण (दूसरा संशोधन) नियम, 2010 है।

(ii) ये राजपत्र में उनके प्रकाशन की तारीख को प्रवृत्त होंगे।

2. खाद्य अपमिश्रण निवारण नियम, 1955 के नियम 22 की सारणी में,—

- (क) क्रम सं. 2 के सामने, स्तंभ (2) के अधीन, "250 मिली" अंकों और शब्दों के स्थान पर "500 मिली" अंक और शब्द रखे जाएंगे;
- (ख) क्रम सं. 4 के सामने, स्तंभ (2) के अधीन, "300 ग्राम" अंकों और शब्दों के स्थान पर, "500 ग्राम" अंक और शब्द रखे जाएंगे;
- (ग) क्रम सं. 13 के सामने, स्तंभ (2) के अधीन, "250 ग्राम" अंकों और शब्दों के स्थान पर "400 ग्राम" अंक और शब्द रखे जाएंगे;
- (घ) क्रम सं. 14 के सामने, स्तंभ (2) के अधीन, "600 मिली" अंकों और शब्दों के स्थान पर "3 लीटर" अंक और शब्द रखे जाएंगे;
- (ङ) क्रम सं. 18 के सामने, स्तंभ (2) के अधीन, "200 ग्राम" अंकों और शब्दों के स्थान पर "500 ग्राम" अंक और शब्द रखे जाएंगे;
- (च) क्रम सं. 19 के सामने, स्तंभ (2) के अधीन, "250 ग्राम" अंकों और शब्दों के स्थान पर "500 ग्राम" अंक और शब्द रखे जाएंगे;

(1)

- (छ) क्रम सं. 20 के सामने, स्तंभ (2) के अधीन, "150 ग्राम" अंकों और शब्दों के स्थान पर, "250 ग्राम" अंक और शब्द रखे जाएंगे;
- (ज) क्रम सं. 27 के सामने, स्तंभ (2) के अधीन, "400 मिली" अंकों और शब्दों के स्थान पर, "1 लीटर" अंक और शब्द रखे जाएंगे;
- (झ) क्रम सं. 32 के सामने, स्तंभ (2) के अधीन, "200 ग्राम" अंकों और शब्दों के स्थान पर, "500 ग्राम" अंक और शब्द रखे जाएंगे;
- (ञ) क्रम सं. 38 के सामने, स्तंभ (2) के अधीन, "500 ग्राम" अंकों और शब्दों के स्थान पर, "1 कि.ग्रा." अंक और शब्द रखे जाएंगे;
- (ट) क्रम सं. 48 के सामने, स्तंभ (2) के अधीन, "1 ग्राम" अंकों और शब्दों के स्थान पर, "2 ग्राम" अंक और शब्द रखे जाएंगे;
- (ठ) क्रम सं. 50 के सामने, स्तंभ (2) के अधीन, "300 ग्राम" अंकों और शब्दों के स्थान पर, "500 ग्राम" अंक और शब्द रखे जाएंगे;
- (ड) क्रम सं. 52 के सामने, स्तंभ (2) के अधीन, "300 ग्राम" अंकों और शब्दों के स्थान पर, "500 ग्राम" अंक और शब्द रखे जाएंगे।

[सं. पी-15014/1/2008-पी. एच. (खाद्य)/डीएफव्यूसी]

विनीत चौधरी, संयुक्त सचिव

टिप्पण : खाद्य अपमिश्रण निवारण नियम, 1955 भारत के राजपत्र, भाग II, खंड 3, उप-खण्ड (i) में अधिसूचना सं. का.नि.आ. 2106, तारीख 12 सितम्बर, 1955 द्वारा प्रकाशित किए गए थे और सं. सा.का.नि. 63(अ), तारीख 8 फरवरी, 2010 द्वारा उनका अंतिम संशोधन किया गया था।

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health and Family Welfare)

NOTIFICATION

New Delhi, the 27th April, 2010

G.S.R. 351(E).—Whereas a draft of certain rules further to amend the Prevention of Food Adulteration Rules, 1955 were published, as required by sub-section (1) of Section 23 of the Prevention of Food Adulteration Act, 1954 (37 of 1954), at pages 1-2 in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (i), dated the 22nd January, 2009 in the notification of the Government of India in the Ministry of Health and Family Welfare (Department of Health), Number G. S. R. 44(E), dated the 22nd January, 2009, inviting objections and suggestions from all persons likely to be affected thereby before the

expiry of a period of sixty days from the date on which copies of the Official Gazette containing the said notification were made available to the public;

And whereas the copies of the said Gazette were made available to the public on the 2nd February, 2009;

And whereas objections and suggestions received from the public within the specified period on the said draft rules have been considered by the Central Government;

Now, therefore, in exercise of the power conferred by Section 23 of the said Act, the Central Government, after consultation with the Central Committee for Food Standards, hereby makes the following rules further to amend the Prevention of Food Adulteration Rules, 1955, namely:—

1. (i) These rules may be called the Prevention of Food Adulteration (2nd Amendment) Rules, 2010.

(ii) They shall come into force on the date of their publication in the Official Gazette.

2. In the Prevention of Food Adulteration Rules, in rule 22, in the Table,—

- (a) against serial number 2, under column (2), for the figures and words "250 ml.", the figures and words, "500 ml." shall be substituted;
- (b) against serial number 4, under column (2), for the figures and words "300 gms.", the figures and words, "500 gms." shall be substituted;
- (c) against serial number 13, under column (2), for the figures and words "250 gms.", the figures and words, "400 gms." shall be substituted;
- (d) against serial number 14, under column (2), for the figures and words "600 ml.", the figures and words, "3 litre" shall be substituted;
- (e) against serial number 18, under column (2), for the figures and words "200 gms.", the figures and words, "500 gms." shall be substituted;
- (f) against serial number 19, under column (2), for the figures and words "250 gms.", the figures and words, "500 gms." shall be substituted;
- (g) against serial number 20, under column (2), for the figures and words "150 gms.", the figures and words, "250 gms." shall be substituted;
- (h) against serial number 27, under column (2), for the figures and words "400 ml.", the figures and words, "1 litre" shall be substituted;
- (i) against serial number 32, under column (2), for the figures and words "200 gms.", the figures and words, "500 gms." shall be substituted;

- (j) against serial number 38, under column (2), for the figures and words "500 gms.", the figures and words, "1 kg." shall be substituted;
- (k) against serial number 48, under column (2), for the figures and words "1 gm.", the figures and words, "2 gms." shall be substituted;
- (l) against serial number 50, under column (2), for the figures and words "300 gms.", the figures and words, "500 gms." shall be substituted;
- (m) against serial number 52, under column (2), for

the figures and words "300 gms.", the figures and words, "500 gms." shall be substituted.

[No. P. 15014/1/2008-P.H. (Food)/DFQC]

VINEET CHAUDHRY, Jt. Secy.

Note:—The Prevention of Food Adulteration Rules, 1955 were published in Part II, Section 3, Sub-section (i) of Gazette of India *vide* Notification No. S.R.O. 2106, dated the 12th September, 1955 and were last amended *vide* Notification No. G.S.R. 63(E), dated the 8th February, 2010.

(16)
Nirman Bhawan, New Delhi
Dated the 30th October 2002

Rectifiable &
Not Rectifiable
Defects

To

- (i) All Food (Health) Authorities
- (ii) All Port Health Officers/Airport Health Officer
- (iii) All Custom Officers
- (iv) All Central Food Laboratories and Public Analyst Laboratories

Subject: Analysis of imported foods-reg.

Sir,

In continuation to this Directorate letters no. P.15014/13/2000 dated 27.8.2001, 29.10.2001, 11.2.2002 and letter no. P.15011/10/2001 dated 13.6.2002 and letter no. P.15011/24/2001 dated 22.11.2001, wherein it has been stressed that labels of all the samples of imported food products may be checked at your level and samples not meeting the requirements prescribed under PFA Act, 1954 and rules made thereunder should not be recommended to be released. But it has been observed that large quantities of food products being sold in the different markets in the country do not comply with the labelling requirement prescribed under PFA Act, 1954 and rules made thereunder.

The Government of India, Ministry of Health and Family Welfare, Department of Health have recently carried out a survey to assess the quality of imported food products being marketed in India during 2001-2002. The survey was carried out by the Central Food Laboratory, Mysore, Central Food Laboratory, Kolkata and Combined Food and Drugs Laboratory, Govt. of Delhi. In the survey about 877 samples of different food commodities were collected by the three laboratories and analysed for labelling provisions as well as chemical and microbiological parameters. Out of 877 samples, 66 samples were found not conforming to the prescribed standards and 479 samples were found not conforming to various labelling provisions prescribed under PFA Rules, 1955. A brief summary of the studies is attached for your ready reference.

In view of the position explained above it is requested to initiate action as follows :-

- (i) All the State/UTs Govts. are requested to draw maximum number of samples of imported food from the market and get the same analysed for chemicals parameters in addition to labelling provisions prescribed under PFA Act/Rules.
- (ii) The PHOs/ APIHOs and Custom Officers are requested to check the labels of imported foods as per the provisions of PFA Act and Rules made thereunder before the samples of such products are sent to laboratories

D Sanjiv Das

for chemical analysis. The laboratories analysing such samples are requested to analyse the samples for all the parameters including contaminants like metal, pesticide residue and aflatoxin.

(iii) The Port Health Officers/Airport Health Officers and Custom Officers are requested to examine the labels of all the imported food products at their level itself. In case the deficiency on the label is not rectifiable, products should not be allowed to be imported into India. The labelling requirements which are not rectifiable if the information relating to the following are not given on the label:-

- a. Name of the Manufacturer
- b. List of Ingredients in descending order of composition by weight/volume.
- c. The name and address of the manufacturer.
- d. The Date of manufacture.
- e. "Best Before Date" or "Expiry Date".
- f. Batch No or Code No.
- g. Net weight or Volume.

If the imported product is not meeting the labelling requirement given above, samples of such product shall not be sent to the laboratories for analysis.

- (iv) All the PHOs/APIOs and Custom Officers and Food (Health) Authorities and Laboratories are requested to check the claims on the labels as per the provisions of Section 2(ix) of the PFA Act, 1954 read with other labelling provisions under PFA Rules, 1955.

Action taken in the matter may please be intimated to this Directorate quarterly. Please acknowledge the receipt of this letter.

The monthly and Annual Reports are required to be sent in revised proforma. These reports are not being sent regularly and in time. It is requested to please send the monthly and annual reports in time and in revised proformas.

Yours Faithfully,

(Dr. Sudhir Chandra)
Addl.D.D.G.(M)