

CHAPTER X

PREVENTION OF FOOD ADULTERATION

Section A

The prevention of Food adulteration Act, 1954, and the prevention of Food adulteration Rules,1955.

1001. Enacted by the Parliament in 1954 with the objective of ensuring pure and wholesome food to the consumers and to protect them from fraudulent and deceptive trade practices, the Prevention of Food Adulteration Rules, 1955 as amended from time to time have been laid down under the Prevention of Food Adulteration (PFA) Act, 1954. While water has been excluded from definition of food, mineral water is included, as it is considered a beverage. Any food that does not conform to the minimum standards laid down in the act is said to be adulterated. The Act provides for deterrent punishment of offenders. Although it is a Central Act, its implementation is carried out by the State Governments and local bodies in their respective areas. 'Purchaser' and 'recognised consumer associations' can also get food samples analysed following the rules contained in the Act. A chain of Food laboratories and four regional appellate Central Food Laboratories (Kolkata, Mysore, Ghaziabad and Pune) whose report is considered to be final have been established.

Section B - Instructions regarding Prevention of Food Adulteration

1002. Prevention of Food Adulteration in Railway premises.-

(1) The responsibility for enforcing the prevention of Food Adulteration Act, 1954 and Prevention of Food Adulteration Rules, 1955, in Railway premises devolves on the Railways.

(2) The Railway catering establishment, run either departmentally or by contractors, as also the vendors, refreshment stalls, etc., on the Railways are under a double system of checking. Under the Prevention of Food Adulteration Act, 1954, and the Prevention of Food Adulteration Rules, 1955, they can be prosecuted for contravention of any of the provisions thereof, and under the quality control rules they are liable for departmental action such as fines, cancellation of the licenses, etc. for any lapse.

1003.Food (Health) Authority

The Chief Medical Directors of the Railways have been designated, under section 2 (vi) of the Act, as the Food (Health) Authorities in respect of the Railway zone under them. They will be in charge of the administration of the Act and the Rules in their respective Railway zones.

(Ministry of Railways' letter No. 76/H/10/7(ii) dated 26th August 1976.)

1004.Local areas

All Railway stations or group of Railway stations (Including any Railway colony, office, yard, goods shed, transshipment shed, workshop and other works owned or maintained by the Railways administrations for the propose of or in connection with the Railways), within the respective jurisdiction of the "Food inspectors" appointed under the act have been declared, under Section 2 (vii) of the Act, as "local areas".

(Ministry of Railways' letter No. 69/H/10/I(i) dated 11th February 1970)

1005. Local (Health) Authorities

Medical Directors/Chief Medical Superintendents/ Medical Superintendents/Sr. Divisional Medical Officers (Health) /Deputy Chief Medical Directors (Health) have been prescribed, under Section 2 (viii) of the Act, as the "local (health) Authorities" in respect of the "Local areas within their respective jurisdiction

(Ministry of Railway letters No. 76/H/10/7(i) dated 26th August 1976, 94/H/10/3/ dated 28.6.95)

1006.Food Inspectors

(1) All Medical Officers and qualified Railway Health Inspectors have been authorized, under section 9 of the Act to exercise the powers of " Food Inspectors" under Section 10 and 11 of the Act in respect of the "Local areas" within their respective jurisdiction.

(2) Each Food Inspector should be supplied with an identity card and a personal seal. The Identity Card should have a 'Photograph of the Food Inspector, and also his jurisdiction indicated thereon. The seal may be of signature type which will be in the custody of the Food Inspector. While sending a sample to the Public Analyst, a specific impression of the seal should be sent to him separately.

(Ministry of Railway letter No. 72/H/2-2/10 dated 22nd November 1972 and Notification No.76/H/10/7 dated 30th April 1977 and Bd.'s letter No.94/H(FW)/8/9 dated 8.5.95

A. Powers of Food Inspectors

1) A food inspector shall have the powers to take samples of any article of food from, any person selling such article, any person who is in the course of transporting, delivering or preparing to deliver such article to a purchaser or consignee or a consignee after delivery of any such article to him and to send the sample for analysis to the public analyst for the local area within which such sample has been taken.

2) Any food Inspector may enter and inspect any place where an article of food is manufactured or stored for sale or stored for the manufacture of any other article of food for sale, or exposed or exhibited for sale or where any adulterant is manufactured or kept and take samples of such article of food or adulterant for analysis.

3) Cost of each sample calculated at the rate at which the article is usually sold to the public shall be paid to the person from whom it is taken.

4) If any article of food appears to be adulterated or misbranded, the food inspector may seize and carry away or keep in the safe custody of the vendor such article after giving receipt on prescribed forms . He will take a sample of such article and submit the same for analysis to a public analyst. If the article seized is of perishable nature and the local (Health) authority is satisfied that the article of food is so deteriorated that it is unfit for human consumption, the said authority may after giving notice in writing to the vendor, gets the same destroyed. The article so seized, unless destroyed, shall be produced before a magistrate within seven days of receipt of report of public analyst.

5) Food Inspector may break open any package in which any article of food may be contained or break open the door of any premises where article of food is kept for sale, if the owner or person in-charge of the packet /premises refuses to open the packet or door and in either case, after recording the reason for doing so.

6) Where the food inspector is of the opinion that any person engaged in selling or manufacturing any article of food is suffering from or is harbouring the germs of any infectious disease, he may examine or get the person examined by the doctor. On confirmation, he may by order in writing direct such person not to take part in food handling work.

Action as in paras 1,2,4 and 5 must be done in presence of one or more persons and their signatures taken.

B. Duties of Food Inspectors

It shall be the duty of the food inspector:

(a) To inspect as frequently as may be prescribed by the Food (health) Authority or the local authority all establishments licensed for the manufacture, storage or sale of an article of food within the area assigned to him;

(b) To satisfy himself that the conditions of the licences are being observed;

(c) To procure and send for analysis, if necessary, samples of any articles of food which he has reason to suspect are being manufactured, stocked or sold or exhibited for sale in contravention of the provisions of the Act or rules thereunder;

- (d) To investigate any complaint which may be made to him in writing in respect of any contravention of the provision of the Act, or rules framed thereunder;
- (e) To maintain a record of all inspections made and action taken by him in the performance of his duties, including the taking of samples and the seizure of stocks, and to submit copies of such record to the health officer or the Food(Health) Authority as directed in this behalf;
- (f) To make such enquiries and inspections as may be necessary to detect the manufacture, storage or sale of articles of food in contravention of the Act or rules framed thereunder;
- (g) To perform such other duties as may be entrusted to him by the Medical Officer having jurisdiction in the local area concerned or the Food(health) Authority.

C. Procedure to be followed by the Food Inspectors for taking food samples for analysis

- 1) Give notice in writing then and there of his intention to do so to the person from whom the sample is to be taken and to the person, if any, whose name address and other particulars given by the vendor from whom the article of food was purchased.
- 2) Samples of food for the purpose of analysis must be taken in clean, dry bottles or jars or in any other suitable container which must be closed sufficiently tight to prevent leakage, evaporation, or in the case of dry substance, entrance of moisture.
- 3) Divide the sample into three parts and get each part carefully sealed.
- 4) All bottles, jars or containers must be properly labeled. The label shall bear the code number and serial number of local Health authority, name and designation of Sender, date and place of collection, nature of articles submitted and nature and quality of preservative, if any, added to the sample.
- 5) The bottle, jar or other container shall then be completely wrapped in fairly strong thick paper. The ends of the paper shall be neatly folded in and affixed by means of gum or other adhesive.
- 6) A paper slip of the size that goes round completely from the bottom to top of the container, bearing the signature and code and serial number of the Local(Health) Authority, shall be pasted on the wrapper. The signature or the thumb impression of the person from whom the sample has been taken being affixed in such a manner that the paper slip and the wrapper, both carry a part of the signature or thumb impression. If the person from whom the sample has been taken refuses to affix his signature or thumb impression, the signature or thumb impression of the witness shall be taken in the same manner.
- 7) The paper cover shall be further secured by means of strong twine or thread both above and across the bottle, jar or other container and the twine or thread shall then be fastened on the paper cover by means of sealing wax on which there shall be at least four distinct and clear impressions of the seal of the sender, of which one shall be at the top of the packet, one at the bottom and the other two on the body of the packet. The knots of the twine or thread shall be covered by means of sealing wax bearing the impression of the sender.
- 8) The containers of the samples shall be despatched in the following manner:
 - a) The sealed container of one part of sample for analysis and a memorandum in Form VII (PFA Act) an specimen impressions of the seal used to seal the packet shall be sent in a sealed packet to the public analyst immediately but not later than the succeeding working day by suitable means.
 - b) The sealed containers of the remaining two part of the sample and two copies of the memoranda in Form VII (PFA Act) shall be sent in a sealed packet to the Local (Health) Authority immediately but not later than the succeeding working day by suitable means.
- 9) On receipt of the result of analysis to the effect that the article is adulterated, the local (Health) authority will forward a copy of the report of result of analysis to the person from whom the sample was taken and to the person, if any, whose address and other particulars from where the article was purchased as disclosed by the person from whom the sample was taken, within ten days of receipt of the copy of the report.

10) If the court requisitions a part or parts of sample kept with the LHA he will forward the part/parts of sample to the court within a period of five days from the date of receipt of such requisition.

11) If, after considering a report of public analyst, the food inspector or LHA is of the opinion that the report is erroneous, LHA will forward one part of the sample kept by it to any other public analyst for analysis. If this report also shows that the article is adulterated, action as per Para 9 and 10 above will be taken.

1007.Public Analysts

The Public Analysts of the State and Union Territories will work as Public Analysts of the Railway also for the proposes of analysing the samples sent to them by the Railways within the respective jurisdiction of the State or Union Territories.

(Ministry of Railway letter No. 70/H/10/21 dated 18th September 1972).

1008.Advisory Committee on P.F.A:-

(1) An Advisory Committee on P.F.A. consisting of the Dy.CMD / S.M.O(H) and the Law Officer, may be constituted on each Railway to assist the Chief Medical Director in deciding the action to be taken against the offenders under the P.F.A. Act. The C.M.D. may refer cases to the committee for ascertaining :-

(i) whether the correct procedure was followed within the frame work of the P.F.A. Act and the Rules there under in the matter of collection and submission of food sample to the Public Analyst.

(ii) whether the Public Analyst's report reveals that there is sufficient deviation in the food values of the tested samples from the prescribed values to merit prosecution.

(iii) any other legal problem or aspect of the case.

(2) The members will restrict themselves to advice on procedural, technical and legal aspects of the case. The action to be instituted against the offenders will be decided by the Chief Medical Director personally.

(Ministry of Railway's letter No. 79/H/10/9 dated 18th August 1979).

1009. The procedure in respect of food-stuff in transit in sealed Railway wagons:-

In respect of food-stuff which are in transit in sealed Railway wagons, a Railway officer exercising the powers of a Food Inspector can take the sample from the Railway officer-in-charge of the wagon. The other provisions of the Act and the Rules will, however, have to be complied with, like giving of a notice by the food inspector in writing of his intention to have the sample analysed to the officer-in-charge of the wagon, delivery of one of the parts of the sample to the said officer-in-charge (it is not necessary for the consignor or the consignee to be present), taking of signature of witnesses (preferably independent ones) at the time when such action is taken, etc. After having the sample analysed, legal proceedings, if considered necessary, can be initiated against the consignor.

(Ministry of Railways' letter No. 61/M.&H/10/17 dated 6th May 1961.)

1010. General Instructions

A. Prevention of Food Adulteration Act:

1. In case of food samples found adulterated under PFA, when the offence is minor in nature i.e. the adulteration is not injurious to health, and in cases where the case is not fit for prosecution in court of law due to technical/procedural deficiencies, the Food Authority may take strict departmental action as described under para 1010B(3)a. Whenever prosecution is launched in the court of law, the case should be vigorously pursued to its logical end.

[\(Board's letter No.96/H\(FW\)/8/10 dated 5.9.97\)](#)

2. It is essential that the Railways ensure proper and vigorous implementation of the provisions of the Prevention of Food Adulteration Act, 1954, and the Prevention of Food Adulteration Rules, 1955. A minimum number of samples to be sent each month for analysis may be fixed for every division, and the figures so fixed should be adhered to. It would also be desirable to allot each food inspector a certain quota of samples that should necessarily be drawn during a given period. A case, on which departmental action has been initiated, should not normally take more than three months to finalise.

(Ministry of Railways' letters No. 63/H/7/129 dated 18th November 1964, No. 65/H/10/12 dated 27th February 1965 and No. 70/H/10/4 dated 28th March 1970.)

3. To ensure that adequate checks are being made, it is desirable that at least two food samples are collected every month by each Food Inspector under PFA and at least one/two/four samples are collected by each health Inspector under quality control as described later in the chapter.

4. Samples should be obtained from a wide range of food items and beverages with special emphasis on items which appear to be of doubtful quality.

5. Persistence of poor quality of food and beverages in a certain area should reflect poorly on the efficiency of the personnel responsible for that area. It would be incumbent on superior authorities under such circumstances to enquire into the situation and take necessary corrective/ punitive action, unless sufficient evidence is on record to support the contention that all possible measures under the existing rules and regulation had been taken by the concerned personnel. The Food Health Authority, in this case, the Chief Medical Director of the Zone must personally ensure that the line of responsibility and answerability is clearly established in each of the areas in his jurisdiction and at all levels and that no one is spared where dereliction of duty on the part of a given officer or supervisor is obvious. As a corollary to the above, Food Health Authority and Local Health Authority should also take cognisance of excellence in performance in this and suitably reward the concerned personnel wherever justified.

6. The officers/supervisors functioning must ensure that all corrective actions available to them are fully utilised, including destruction of food that is unfit for human consumption, imposing of fines, recommendation of suspension or cancellation of licence under PFA, etc.

B. Quality control

(1) Medical Officers and Health Inspectors must regularly inspect all eating places falling under their jurisdiction..

(Railway Board's letter no.94/H(FW)/8/9 dated 26.6.96)

(2) Annual medical examination of all Food handlers as described in detail in the relevant chapter must be carried out regularly.

(3) All Health Inspectors must collect samples under 'quality control' every month as detailed below and send them to Railway food analytical laboratories of the concerned zones.

| No. of railway food establishment In the jurisdiction | No. of samples to be collected /month |
|--|---------------------------------------|
| Less than 10 | 1 |
| 10-20 | 2 |
| More than 20 | 4 |

a) Whenever a sample collected under quality control is found to be adulterated/ sub standard, the Medical Officer in-charge of Health & FW of the division can impose a fine up to Rupees two thousand five hundred. In case of repeated defaulters the Medical Officer in-charge of Health & FW not below the rank of DMO can recommend termination of the contract to the competent authorities of the Commercial Department.

b) Medical Officers will exercise powers of imposing fine concurrently with the commercial officers.

[\(Board's letter No.96/H\(FW\)8/10 dated 5.9.97\)](#)

1011. Review of departmental action taken in cases of food adulteration:-

(1) A Review of departmental action taken in cases of food adulteration should be carried out quarterly in each calendar year, and a report sent to the Ministry of Railways in the prescribed proforma as given from to time. The report should also indicate the progress achieved during the period in question and assess the general effectiveness of the measures being taken to check adulteration.

(MOR's letters No. 63/H/7/129 dated 14th December 1963, No. 63/H/7/129 dated 18th November 1964, No. 67/H/10/5 dated 24th May 1967, No. 68/H/10/3 dated 24th April 1968, No. 70/H/10/4 dated 28th March 1970, No. 70/H/10/25 dated 18th November 1970 and No. 71/H/10/3 dated 8th July 1971.,No. 94/H (FW)/8/2/ dated 30.5.97)

(2) Review of prosecutions launched under the Prevention of Food Adulteration Act, 1954:-

A review of prosecutions launched under the Prevention of Food Adulteration Act, 1954 should be carried out quarterly in each calendar year, and annual report sent to the Ministry of Health in the prescribed proforma as given from to time, endorsing a copy thereof to the Railway Ministry for information. The report should also indicate the progress achieved during the period in question and assess the general effectiveness of the measures being taken to check adulteration.

(MOR's letter No. E58ME5/47/Medical dated 12th December 1958, No. 68/H/10/3 dated 24th April 1968, No. 70/H/10/4 dated 28th March 1970, No. 70/H/10/25 dated 18th November 1970 and No. 71/H/10/3 dated 8th July 1971, No. 94/H(FW)/8/2/ dated 30.5.97)

1012. Licensing of Food establishments

1. Food establishments both departmental and non-departmental, located within the Railway premises are to have a valid licence from the Local Health Authorities under whose jurisdiction the said food establishment is located. The licence is provided on the basis of the application from the proprietor/manager of the establishment along with the proof of remittance of licence fee per year and has to be renewed every year on depositing fees. The licensing fee chargeable will be the same as prescribed for identical units located in the state.

The Food license has to be displayed prominently within the premises. The Commercial Department awards catering/ vending license subject to the condition that the party obtains the Food license from the Medical Department (Railway Board's letter No.96/TGIII/640/2In dated 15.11.96.

2. Conditions for license

No person can manufacture, sell, stock, distribute or exhibit for sale any article of food, including prepared food or ready to serve food except under a food licence.

One licence is to 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. Local Health Authority by an order in writing delegate powers to sign licences and such other powers as may be specified in the order to any other person under his/her control.

Before granting a licence the licensing authority shall inspect the premises and satisfy itself that it is free from sanitary defects. The applicant for the licence shall have to make such alterations in the premises as may be required by the licensing authority for grant of licence. The premises of the Licence should be effectively separated to the satisfaction of the licensing authority from any privy, urinal, sludge, drain or place of storage of foul and waste matter.

All vessels used for storage, manufacture etc., of food articles for sale should be as per specifications prescribed in the rules and should have proper covers to avoid contamination.

No licensee shall employ in his work any person who is suffering from infectious, contagious or loathsome disease.

The application for licence must mention the nature of articles of food for sale for which licence is required.

The licensee will display the articles of food for sale on a notice board.

(Railway Bd.'s letter No.96/T/GIII/640/21n dated 15.11.96)

1013. Central Food Inspectorate:-

(1) A Central Food Inspectorate has been set up with jurisdiction throughout the country and with powers to raid any catering establishment including the Railways. The minimum penalty prescribed in cases of proved adulteration is a fine of Rs. 1,000 and six months of imprisonment. There is no option left with the Magistrate to award any lower punishment.

(2) Inspections of the Railway catering establishment should be intensive and departmental catering staff/contractors found responsible for committing irregularities should be severely dealt with.

(3) With a view to ensure that the provisions of the Act have been complied with, the licensing of contractors on the Railways should be made subject to clearance by a Divisional Medical Officer / Assistant Divisional Medical Officer.

(Ministry of Railways' letter No. 72/H/10/6 dated 8th June 1972 and Shri D.B.Vohra, Director, Traffic (Commercial)'s D.O. letter No. 72/H/10/6 dated 16th September 1972.)

1014. Training of Health Inspectors for making them eligible to work as Food Inspectors.-

Qualification: Should be a graduate in science with chemistry as one of the subjects

(1) Health Inspectors, to be eligible to work as Food Inspectors, are required to undergo training of 90 days in food inspection and sampling work in a laboratory under the control of:-

- (i) the Director, Central Food Laboratory, Kolkata, or
- (ii) a public analyst appointed under the Act, or
- (iii) a chemical examiner to the Government, or
- (iv) the head of an institution specially approved for the purpose by the Central or the State Government, or
- (v) a fellow of the Royal Institute of Chemistry of Great Britain (Branch E).

(2) All those Health Inspectors who were working as Food Inspector prior to 31st March 1985 may continue to work as Food Inspectors irrespective of qualifications. They must have had 3 months training in whole or in part in food inspection and sampling work before appointment as Food Inspectors prior to 31.3.85

(Board's letter No.85/H/10/4 dated 22.2.85, Ministry of Railways' letters No. 70/H/10/26 dated 27th September 1971, 31 May 1974 and 11th September 1974).

1015. Orientation training for catering officials.-

Managers/Contractors/Vendors of departmental Catering units and Catering Inspectors should be given orientation training courses for one or two days with the assistance of the Medical/Health department of the Railways. A number of defaults occur due to inadequate appreciation on the part of such workers of the significance of food hygiene. It is therefore important to educate and counsel the vendors and food handlers. (Rly. Bd.'s letter 94/H/(FW)/8/9 dated 30.8.96) The training should bring out the legal implications of food adulteration and the liabilities of the catering officials under the prevention of Food Adulteration Act, as also the moral responsibility of the catering officials towards the consumers and the effect of the consumption of adulterated food on the health of the consumers.

(Ministry of Railway's letter No. 80/M/10/3 dated 8th July 1980).

1016. Whenever a new adulterant is found, the Director General of Health Services, Nirman Bhavan, New Delhi may be informed so that all states could be cautioned for checking such adulteration.

(Ministry of Rly Letter No 84/H/10/8 dt. 28/08/84)