

[To be published in Part II, Section 3, Sub-Section(i) of the Gazette of India Extra-Ordinary]

Government of India

Ministry of Food and Consumer Affairs

Department of Sugar and Edible Oils

New Delhi, the 17th September, 1998

Notification

G.S.R. 584(E) In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955(10 of 1955), the Central Government hereby makes the following Order, namely. –

1. Short title, extent and commencement. –

(1) This Order may be called the Edible Oils Packaging (Regulation), Order, 1998.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. Definitions. – In this Order, unless the context otherwise requires,

(a) "Act" means the Essential Commodities Act, 1955(10 of 1955),

(b) "Edible Oils" mean vegetable oils and fats and includes any margarine, vanaspati, bakery shortening and fat spread as specified in the Prevention of Food Adulteration Act, 1954 (37 of 1954) and rules made thereunder, for human consumption;

(c) "Edible Oils Commissioner" means the person appointed as Edible Oils Commissioner by the Central Government and includes any other person empowered by the Central Government to exercise any or all of the functions of the Edible Oils Commissioner under this Order,

(d) "factory" means any premises including the precincts thereof wherein, or in any part of which one or more of the edible oils is packed or stored for sale;

(e) "Inspecting Officer" means an Inspecting Officer appointed under clause 8;

(f) "label" means any written, marked, stamped, printed or graphic matter affixed to or appearing upon, any container containing any edible oil;

(g) "registered packer" means a person who has obtained a certificate of registration under sub-clause (4) of clause 4 for carrying on business of packing of any edible oil;

(h) "registering authority" means any officer of the State Government notified by that Government in the Official Gazette to exercise the powers and functions of a registering authority within the local areas as specified in the notification for the purposes of this Order;

(i) "registration" means registration granted to a packer under clause 4 of this Order;

(j) "sample" means a sample of any edible oil taken under the provisions of this Order;

(k) "Schedule" means a Schedule appended to this Order;

(l) The words and expressions used herein and not defined but defined in the Prevention of Food Adulteration Act, 1954(37 of 1954) and the rules made thereunder have the meanings respectively assigned to them in that Act and rules made thereunder.

3. Prohibition as sale etc. – on and from the 15th day of December, 1998, no person shall sell or expose for sale, or distribute, or offer for sale, or despatch, or deliver to any person for the purpose of sale any edible oil. –

(a) which does not conform to the standards of quality as provided in the Prevention of Food Adulteration Act, 1954(37 of 1954) and rules made thereunder, and

(b) which is not packed in a container, marked and labelled in the manner as specified in the Schedule-I. –

(c) Provided that the State Government may, in the public interest, for reasons to be recorded in writing in specific circumstances and for a specific period by a notification in the Official Gazette, exempt any edible oil from the provisions of this Order.

4. Registration. –

(1) No person shall carry on business as a packer except under a certificate of registration granted to him under this Order and in accordance with the terms and conditions specified in the Schedule-III.

(2) Every person who intends to carry on the business of a packer shall make an application to the registering authority in the Form specified in the Schedule-II together with the fee to be paid to the State Government, in such manner as may

be specified by the State Government.

(3) No person shall be eligible for grant of certificate of registration under this Order unless he has his own laboratory facilities and has appointed in that laboratory at least one chemist having Bachelor of Science Degree with Chemistry as one of the subjects or has made any other arrangement of a common laboratory for such purpose to the satisfaction of the registering authority for testing of samples of edible oils.

(4) After making necessary enquiries, the registering authority may, as he deems fit, issue certificate of registration containing terms and conditions to the applicant as specified in Schedule – III or reject the application, for reasons to be recorded in writing, within ninety days from the date of receipt of application.

Provided that where the registering authority issues certificate of registration under this sub-clause, it shall forward a copy of the certificate of registration to the Edible Oils Commissioner within fifteen days from the date of such registration.

(5) Where a certificate of registration is not granted to a person under this clause, the fee paid by him shall be refunded to him in the manner as specified by the State Government.

Requirements to be complied with by the registered packer.–

(1) No registered packer shall pack any edible oil except under and in accordance with the provisions of this Order.

(2) Every registered packer shall pack edible oils in conformity with the sanitary and other requirements specified in the Schedule–IV.

(3) Every registered packer shall, in regard to packing, marking and labelling the containers of edible oils, comply with the requirements specified in the Schedule–I.

(4) Notwithstanding anything contained in sub-clauses (1) and (2), the Edible Oils Commissioner may by order published in the Official Gazette, specify any other conditions to be complied with by a registered packer, and it shall be the duty of every registered packer to comply with such conditions.

6. Period of validity of certificate of registration.– A certificate of registration, unless sooner suspended or cancelled, shall be valid for a period of three years from the date of registration.

7. Renewal of certificate of registration.–

(1) Every registered packer shall make an application for renewal of the registration within the period of sixty days before the date of expiry of the certificate of registration to the registering authority in the form specified in the Schedule–II together with the fee specified by the State Government to be paid to the registering authority in the manner as may be specified by the State Government for such renewal.

(2) On receipt of an application, under sub-clause (1), the registering authority may renew the certificate of registration for a further period of three years at a time.

(3) Notwithstanding anything contained in sub-clauses (1) and (2), the certificate of registration issued or renewed under this Order shall be valid till a decision on the application for its renewal is taken by the registering authority.

8. Appointment of Inspecting Officers.– The Central Government or the State Government may, by notification in the Official Gazette, appoint such persons as it thinks fit, having the qualifications determined by the Government for this purpose to be Inspecting Officers for such local areas as may be assigned to them by the Central Government or the State Government, as the case may be:

Provided that no person who has any financial interest in the packing of edible oils shall be appointed to be an Inspecting Officer under this Order.

9. Power to carry out inspection, entry and sampling.–

(1) The Edible Oils Commissioner and Inspecting Officers of the Central Government as well as of the State Government may enter and inspect any premises or vehicle and seize stocks of edible oils, in respect of which he has reason to believe that a contravention of any of the provisions of this Order has been or is being or is likely to be committed.

(2) The Edible Oils Commissioner or Inspecting Officer may enter and inspect any place where any edible oil is packed, stored and sold and take sample of such oil for examination in the manner as specified by the Central Government in the case of edible oils commissioner and Inspecting Officer appointed by the Central Government or the State Government in the case of Inspecting Officer appointed by the State Government.

10. Laboratory for analysis.–

(1) An edible oil sample, drawn by the Edible Oil Commissioner or an Inspecting Officer of Central or State Government, authorised under this Order, shall be analysed by a laboratory of the Central or State Government or a laboratory authorised for the purpose by the Edible Oil Commissioner.

(2) The laboratory shall make a report to the Edible Oils Commissioner or any officer or authority of the Central Government or State Government authorised in this behalf by that Government as the case may be, of the results of analysis of the sample sent to it for examination.

11. Power to prescribe monthly returns.–

(1) Every registered packer shall furnish, by the 7th of the each following month, to the State Government, a return in respect of edible oils packed and sold by him during a month in the proforma as specified in the Schedule–V.

(2) The State Government shall intimate to the Edible Oils Commissioner information relating to each edible oil packed and sold by the registered packers in the State at the end of each following month in consolidated form.

12. Suspension of certificate of registration– The registering authority may, after giving the registered packer an opportunity in writing to show cause and after giving him one month's notice, suspend a certificate of registration issued to him under this Order for any breach of terms and conditions of the certificate of registration or for contravention of the provisions of this Order or for any failure to comply with any order, direction or registration made under this Order.

Provided that where the edible oil being found to contain harmful substances such as argemone oil, mineral oil, or any other substance injurious to human health, the certificate of registration of the registered packer shall be suspended immediately by the registering authority without issuing a show–cause notice.

13. Appeal– A registered packer aggrieved by any order passed by the registering authority under this Order may appeal against such order to the State Government within a period of thirty days from the date on which such order has been communicated to him and the State Government shall give opportunity of being heard to the registered packer and the registering authority before making any decision in such appeal.

14. Power to review.– A review petition may be filed to the Edible Oils Commissioner against the decision of the State Government under clause 13 by any party aggrieved by such decision within thirty days from the date of such decision and the Edible Oils Commissioner shall decide the review petition after giving the parties in such petition the opportunity of being heard.

15. Power to issue directions.– The Edible Oils Commissioner may, if he deems fit for the purpose of giving effect to the provisions of this Order, issue such directions which are not inconsistent with the provisions of this Order.