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THE AZAD STATE OF JAMMU AND KASHMIR
DIRECTORATE /SECRETARIATE FOOD AUTHORITY
D-151, Satellite Town, Rawalpindi

Dated: 09/04/2021.

NOTIFICATION

NO. AJKFA/DF/6456-80/2021. In exercise of the powers conferred under Section 63 at Azad Jammu and Kashmir Food Authority Act, 2017 (XXXVII of 2017), the Azad Jammu & Kashmir Food Authority is pleased to frame the following Regulation for sealing and de-sealing food business premises, namely: -

PART-I
DEFINITIONS

1. **Short title and Commencement:** (1) These regulations may be called as the Azad Jammu & Kashmir Sealing and De-sealing Food Business Premises Regulations, 2021.
(2) These regulations come into force at once.
2. **Definitions:-** (1) In these regulations, unless the subject or context requires otherwise,-
 - (a) "Act" means the Azad Jammu & Kashmir Food Authority Act, 2017 (XXXVII of 2017.);
 - (b) "Director" means the Director Food Authority
 - (c) "Improvement Notice" means a notice served by the Food Safety Officer to any Food Operator under Section 16 of the Act;
 - (d) "Rectification Period" means the time period granted by the Director after announcing order of de-sealing of the premises, in which the Food Operator shall,-
 - i) rectify the shortcomings indentified in the order;
 - ii) remain restricted to carry out operational activities including processing, manufacturing and sale of food; and
 - iii) made improvement in the premises as directed in the Order.
2. All the terms used in these regulations but not defined herein shall have same meaning as assigned to them in the Act.

PART-II
SEALING PROCEDURE

3. **Improvement Notice:** (1) The Safety Officer, on his own motion or upon receipt of information from any source, has reasons to believe that there exist unhygienic conditions at the food business premises or if food safety or quality issues exist at any premises, shall serve an Improvement Notice upon the Food Operator in accordance with provisions of the Act.

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(2) If the Food Safety Officer is satisfied that the Food Operator has not made substantial improvements as required under the improvement notice within the prescribed time and that the unhygienic conditions at the premises or food safety issues or quality issues still exist, the premises may be sealed.

4. **Sealing without improvement Notice.** The Food Safety Officer shall, notwithstanding anything contained in regulation 3, seal the premises without Improvement Notice in cases where the Food Safety Officer believes that there exist serve unhygienic conditions or food safety issues or quality issues at a food business such as presence or usage of non-food grade ingredients, manufacturing of food products without natural ingredients such as pulp or fruit or dairy raw material etc., usage of rotten eggs in food items or presence of rotten eggs or mixture, presence or preparation of synthetic milk, presence of hazardous adulterants or insects or rodents or any harmful ingredients, etc.
5. **Samples of food to be sent to Food Laboratory:-** While sealing the premises under regulation (4), in case of adulterated food, samples of the suspected food items shall be taken and sent to the Food Laboratory for analysis. However, if the laboratory report establishes that all the samples taken were found unadulterated and were also found fit for human consumption, the premises shall be de-sealed forthwith.
6. **Food Operator to provide details:-** In addition to other codal formalities for de-sealing for de-sealing, it shall be mandatory for the Food Operator to provide the details of the shop or the manufacturing unit and the proprietor from whom unsafe and substandard raw products have been purchased in addition to the details of where houses, distributors and premises to whom adulterated, substandard or unsafe food products being manufactured at his premises, where being sold.

PART-III

DE-SEALING PROCEDURE

7. **Time limit for de-sealing:-** (1) The sealed premises can be de-sealed after the expiry of period as specified below,-

S#	Issue	Minimum Period for De-sealing
1.	Sealing of premises on account of running extremely hazardous food business as explained in regulation 4.	120 days
2.	Sealing of premises on account of running hazardous food business as explained in regulation 3.	7 days
3.	Sealing of premises on account of food quality issues (which do not involve food safety issues)	3 days
4.	Sealing of premises on account of premises oriented (layout & Design) issues	3 days
5.	Sealing of premises on account of non-licensing	Till the submission of license fee and medical certificates of all food handlers.

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(2) The sealed premises may be de-sealed by the Director, upon an application by the Food Operator, supported with an affidavit and other supporting documents, to the satisfaction of the Director that he shall abide by the Act and the Rules and Regulations made from time to time. The Food Operator shall submit and undertake that he shall remove the shortfalls pointed out by the Food Safety Officer within the time frames given by the Food Safety Officer concerned.

8. **Continuance of Business after de-sealing.** Upon de-sealing the premises, the Food Operator shall bring about such improvements as stated in the affidavit within the prescribed time frame and upon meeting with such levels of hygiene and other corrective measures; the Director may allow the Food Operators to continue his business. The Food Operator will rectify the shortcoming identified by the Director within the stipulated time. Without obtaining the written permission by the Director, the Food Operator shall not run the business.
9. **Filling of complaint;-** In case, the samples are declared substandard or adulterated by the Food Laboratory, complaint may be filed against such Food Operator in accordance with provisions of the Act, in addition to other actions prescribed under the act, and rules and regulations made there under.
10. **License to operate mandatory for de-sealing:-** Notwithstanding anything contained in the other regulations, premises shall not be de-sealed unless it has a valid license to operate Food Business issued by the Food Authority.
11. **Subsequent Offence:-** If the premises has been sealed under regulation 7, upon commission of subsequent offence of like nature upon which premises was sealed on the first instance, the premises shall be sealed for a minimum period that is double the period prescribed under the regulation 7.
12. **Cancellation of license:-** In case of submitting false affidavit or concealment of facts or habitual non-compliance by the Food Operator, the Food Authority may cancel the license of the Food Operator if it is established that false affidavit was submitted or facts were concealed or Food Operator, did not comply with the instructions.
13. **Application against sealing order:-** Application against the order of sealing shall be filed before the Director.

DIRECTOR /SECRETARY
AJ&K FOOD AUTHORITY

Copy to:

1. Secretary to the President, Azad Jammu & Kashmir.
2. Secretary to the Prime Minister, GoAJ&K.
3. PS to Minister Food, GoAJ&K.

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4. The Chief Secretary, GoAJ&K.
5. The Secretary S&GAD.
6. The Secretary Finance.
7. The Secretary Law.
8. The Secretary Food.
9. The Secretary Health.
10. The Secretary Local Government and Rural Development.
11. The Secretary Physical Planning & Housing.
12. The Secretary Agriculture and Livestock.
13. The Controller Govt. Printing Press, Muzaffarabad.
14. Deputy Director Food Muzaffarabad, Mirpur & Rawalpindi.
15. All District Food Controllers.
16. Master file.



**DIRECTOR / SECRETARY
A J&K FOOD AUTHORITY**