

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

Dated: 09/04/2021

NOTIFICATION

N0. AJKFA/DF/6431.55/2021. In exercise of the powers conferred under Section 63 at Azad Jammu and Kashmir Food Authority Act, 2017 (XXXVII of 2017), the Food Authority is pleased to frame the following Regulation namely: -

PART-I
DEFINITIONS

1. **Short title and Commencement:** (1) These regulations may be called as the Azad Jammu & Kashmir Food Authority (Destruction/Discard of Unsafe/Adulterated Food) Regulations, 2021.
(2) They shall come into force at once.
2. **Definitions:-** (1) In these regulations, unless there is anything repugnant in the subject or context;
 - (a) **“Act”** means the Azad Jammu & Kashmir Food Authority Act, 2017 (XXXVII of 2017.;
 - (b) **“Food Authority”** means the Azad Jammu & Kashmir Food Authority established under the Act;
 - (c) **“Food Safety Officer”** means a Food Safety Officer appointed, or a Government servant upon whom powers have been conferred under Section 12 of the Act;
 - (d) **“Destruction/discard”** means disposal of any Food Items which appears through any reasonable means adulterated, unsafe, unfit or injurious for human consumption;
 - (e) **“Owner”** in respect of any food item means, -
 - (i) Food Business operator as defined in the Act;
 - (ii) In case of food items in transit, the consignor or if the consignor does not have an address in the Azad Jammu and Kashmir, the consignee;
 - (iii) In any other case, the person appearing to the Food Safety Officer to be the food operator who has custody of the food item at the time of taking custody of such food items;
 - (f) **“Suspension from sale”** means the temporary removal of a food items from sale, or offer for sale for human consumption; and ;

- (g) **“Withdrawal from sale”** means the permanent removal of a food from sale, or offer for sale for human consumption.
- (2) Words and expressions used but not specifically defined herein, but defined in the Act, shall have the meaning assigned to them in the Act.

3. **Order for voluntary withdrawal or suspension of Food Items:.**


- (1) The Owner of any food item on the directions of Food Safety Officer, may voluntarily, in presence of Food Safety Officer, withdraw, destruct, discard or suspend such food from manufacturing, packaging, sale or transportation of such food, declared by Food Safety Officer to be in contravention of the Act, the rules or the regulations and cease the use of such apparatus, equipment, utensil or vehicle.
- (2) Where any food is withdrawn, discarded, destructed or suspended from manufacturing, sale or the use of the apparatus, utensil or vehicle is ceased under sub-regulation (1), such food item shall be considered to be abandoned and declared not to be used for human consumption and the Food Safety Officer shall pass an order in the form specified in Schedule I.
- (3) any order passed under sub-regulation (2) shall specify the conditions as may be specified by Food Safety Officer regarding withdrawal or suspension of food item from manufacturing, storage, packaging or sale or cessation of use of the apparatus, utensil or vehicle.
- (4) If the Owner fails to comply with directions of the order passed by the Food Safety Officer, it shall be considered as an offence under Section 28 of the Act.
- (5) The voluntary withdrawal, destruction, discard or suspension of food item or cessation of use of apparatus, utensil or vehicle under these regulation shall be without prejudice to any subsequent actions taken against the owner for a contravention of the Act, the rules or the regulations.

4. **Mandatory destruction or discard:-** (1) Where any food item checked and analyzed by Food Safety Officer is found or appears to be adulterated or unsafe which may cause health hazard or danger for health and is also in contravention with the Act, the rules or the regulations, Food Safety Officer shall immediately pass an order in the form specified in Schedule II, for direct destruction or discard of such food item on spot in his presence. Where food item is destructed or discarded by Food Safety Officer, he shall maintain record of such destruction or discard as the case may be and provide copy thereof to the Director Food Authority.

(2) Where adulterated or unsafe food item is in huge volume and its destruction is not possible on spot, the Food Safety Officer may take custody of such food or order the owner to keep such food item at his Own premises who shall ensure that such food will not be disposed of in any

Provided that if the food item is perishable or is likely to decay or decompose, the Food Safety Officer shall order for direct destruction or discard even if it is in huge volume or quantity.

5. **Penalties:-** Owner shall be liable to such punishment for unsafe food as provided in section 25 of the Act.


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.
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 FOOD / SECRETARY
AJ&K FOOD AUTHORITY

SCHEDULE-I
[See regulation 3 (2)]
Order of voluntary withdrawal/destruction

Date of Order: _____
Name of owner of food item, article or utensil: _____
Identity No: _____
Food License No: _____
Address and Telephone NO: _____
Product Registration No: _____
Description of premises: _____
Description of Food , article or utensil (to include name, brand, type, state, label, batch numbers: _____
Quantity / No. of containers / packs: _____
Value (at cost): _____



I hereby voluntarily agree to:

- a) Surrender the above-described food, article or utensil.
- b) Withdraw / destruct the above-described food, article or utensil from sale or use.
- c) Submit the above described food, article or utensil to the following: -
 - 1.
 - 2.
 - 3.
 - 4.

Reason for non-compliance(s) if any, _____

Signature of the Owner

Name / Signature
Food Safety Officer

Witness By : _____

SCHEDULE-II

[See regulation 4 (1)]

Order for Mandatory destruction/ suspension, withdrawal or seizure

Date of Order: _____

Name of owner of food item, article or utensil: _____

Identity No: _____

Food License No: _____

Address and Telephone NO: _____

Product Registration No: _____

Description of premises: _____

Description of Food , article or utensil (to include name, brand, type, state, label, batch numbers: _____

Quantity / No. of containers / packs: _____

Value (at cost): _____



The above named food is hereby notified that the food article or utensil described above is forthwith:-

a) Subject to seizure and removal from the premises.
b) To be suspended, discarded, destructed or withdrawn from sale, storage subject to the following conditions: List of conditions: 1. 2. 3. 4.

Reason for non-compliance(s) _____

Name of Food Safety Officer: _____

Witnesses By: _____

Food Safety Officer