

MILK AND MILK PRODUCT ORDER, 1992

S.O. 405 (E) dated 09-06-1992

Issued under section 3 of Essential Commodities Act, 1955 (10 of 1955)

with the following amendments duly incorporated

First Amendment Order S.O.No. 32 (E) dated 07-01-1993

Second Amendment Order S.O.No. 111 (E) dated 17-02-1993

Third Amendment Order S.O.No. 639 (E) dated 27-08-1993

Fourth Amendment Order S.O.No. 240 (E) dated 24-03-1995

Fifth Amendment Order S.O.No.701(E) dated 25.07.2001

Sixth Amendment Order S.O.No.335(E) dated 26.3.2002

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Milk and Milk Product Order, 1992

Whereas the Central Government is of opinion that for maintaining and increasing the supply of liquid milk of the desired quality in interest of the general public, it is necessary to provide for regulating the production, supply and distribution of milk and milk product;

Now, therefore, 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 Milk and Milk Product Order, 1992.

(2) It extends to the whole of India.

(3) 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) “Board” means the Milk and Milk Product Advisory Board constituted under Paragraph 3;

(c) “business in milk and milk product” means sale or purchase of milk or milk product and includes manufacturing, processing, handling or controlling of milk and milk product;

(d) “Chairman” means the Chairman of the Board

(dd) (* *)

(e) “Controller” means an Officer of the Central Government appointed under Paragraph 12.

(f) “milk” means milk of cow, buffalo, sheep, goat, or a mixture thereof, either raw or processed in any manner and includes pasteurised, sterilized, recombined, flavoured, acidified, skimmed, toned, double toned, standardised or full cream milk.

(g) “milk product” means cream, malai, curd, yogurt, skimmed milk curd, shrikhand, paneer or channa, skimmed milk paneer or skimmed milk channa, cheese, processed cheese and cheese spread, ice cream, milk ices, condensed milk (sweetened and unsweetened), condensed skimmed milk (sweetened and unsweetened), whole milk powder, skimmed milk powder, partly skimmed milk powder, khoya, rubri, kulfi, kulfa, casein, sweets made from khoya;

Omitted (dd) vide Amendment Order dated 25.7.2001

paneer and channa, infant milk food, table butter, deshi butter, ghee or butter oil, and includes any other substance containing—on a dry weight basis not less than fifty per cent of milk solids (excluding added sugars), or any other substance declared by the Central Government, by notification as a milk product;

- (h) “Dairy establishment” means a place where milk collection, processing, manufacturing, storage and handling of Milk and Milk Product is carried out and any type of container or vessel which is used for storage and transportation of milk and milk product.
- (i) “milk producer” means a person owning or keeping or otherwise having control of cow, buffalo, sheep or goat for the production of milk intended for sale or for conversion thereof to any milk product;
- (j) “milk solid” means anhydrous constituents of milk and includes milk fat and non-fat milk constituents either singly or in combination in any proportion;
- (k) “registration certificate” means a registration certificate issued under this Order;
- (l) “Registering Authority” means an authority appointed or designated, subject to the provision of sub-paragraph (2) of Paragraph 31, by the Central Government to make registration and to issue registration certificates under this Order;
- (m) “Schedule” means a Schedule appended to this Order.

3. Milk and Milk Product Advisory Board:- (1) As soon as may be after the commencement of this Order, but not later than **two hundred and seventy days**¹ from such commencement, the Central Government shall, by notification in the Official Gazette, constitute a Board to be called the Milk and Milk Product Advisory Board which shall consist of the following namely:-

(D) Official Members:

- (a) Secretary to the Government of India, Department of Animal Husbandry and Dairying, Ministry of Agriculture (ex-officio).

Chairman

(b) [* * * * *] ²

- (c) Joint Secretary to the Government of India, Department of Industrial Development,

¹ Increased from one hundred eighty days vide Second Amendment Order dated 17th February, 1993

² Omitted vide Second Amendment Order dated 17th February, 1993

3. Substituted paragraph 2 (h) vide Amendment Order dated 26.3.2002

- Ministry of Industry (ex-officio). *Member*
- (d) Joint Secretary to the Government of India,
Ministry of Food Processing Industries (ex officio). *Member*
- (e) Additional Director General of Health Services,
Government of India, Department of Health,
Ministry of Health and Family Welfare (ex officio). *Member*
- (f) Director, National Dairy Research Institute,
Indian Council of Agricultural Research, Karnal
(ex-officio). *Member*
- (g) Managing Director, National Dairy Development
Board, Anand (ex-officio). *Member*
- (h) Managing Director, National Cooperative Dairy
Federation of India, Anand (ex-officio). *Member*
- (i) One representative each from four states, not below
the rank of Secretary in charge of Dairy Development
in that State by rotation: provided that while constituting
the board due regard shall be given, as far as possible
to give representation to the four geographical regions
of the country viz., north, east, south and west. (ex-officio) *Member*¹
- (II) Non-Official Members:**
- (a) Two representatives from the cooperative dairying sector. *Member*
- (b) Two representatives from the private sector from
amongst those engaged in the
business of milk or milk product. *Member*
- (c) One representative from Consumer Organization *Member*²

(III) Secretary of the Board.- Joint Secretary (Dairy Development),
Department of Animal Husbandry and Dairying, Ministry of
Agriculture (ex-officio)- *Member Secretary*³

- (2) The non-official members[* * *],⁴ shall be appointed by the Central Government by notification, for a period of three years.

¹ Inserted vide Third Amendment dated 27th August 1993

² Inserted vide Third Amendment dated 27th August 1993

³ Amended from "(III) Secretary of the Board - Member Secretary" vide Second Amendment dated 17th February, 1993

⁴ Omitted vide Second Amendment dated 17th February, 1993

2(A) The states referred to in clause (i) shall be represented in the Board for a period of three years¹

(3) The terms and conditions of appointment of [* * *]² the non-official members shall be such as the Central Government may from time to time determine.

(4) A non-official member [* * *]³ may resign from his office by a notice in writing addressed to the Chairman.

(5) In the absence of the Chairman, or for the duration for which there is no Chairman, as the case may be, the Joint Secretary to the Government of India, in charge of Dairy Development in the Department of Animal Husbandry and Dairying, Ministry of Agriculture shall act as Chairman.

(6) The Board shall meet at least four times in a calendar year.

(7) If any vacancy occurs due to death, resignation or otherwise in the office of any non-official member of the Board, the vacancy so caused shall be filled in accordance with the provisions of sub-paragraph (2) above and every person so appointed shall hold office for the remaining period for which the non-official member in whose place he is appointed would have held the Office.

(8) The quorum for the meeting of the Board shall be five members.

(9) The Board shall regulate its proceedings in such manner as deems proper, but on any matter on which the votes of the Board are equally divided, the Chairman or the person presiding over the meeting shall have a second or casting vote.

4. Functions of the Board.- (1) The Board shall assist, aid and advise the Central Government on any matter concerning the production, manufacture, sale, purchase and distribution of milk and milk product and on matters incidental thereto.

(2) Without prejudice to the generality of the provisions of sub-paragraph (1), the Board may advise the Central Government on matters relating to,—

- (a) facilitation of the supply of availability of liquid milk, by balancing uneven supplies in different regions and seasons;
- (b) maintenance or increase in the supply of milk, and equitable distribution and availability thereof;

¹ Inserted vide Third Amendment dated 27th August, 1993

² Omitted vide Second Amendment dated 17th February, 1993

³ Omitted vide Second Amendment dated 17th February, 1993

(c) establishment of proper standards and norms for control and handling of milk and milk product;

(d) maintenance of high standards of sanitary and hygienic conditions in the manufacture of milk and milk product;

(e) establishment, promotion or registration of any industry which is relatable to milk product; and

(f) such other purposes as are necessary or incidental to the effective implementation of the Order.

(3) Where the Central Government considers that the expertise of the Board may be utilised in the implementation of this Order in any respect, it shall be competent for the Central Government to direct that any of its functions relating to the implementation of the Order shall be performed by the Board, subject to such conditions, restrictions and limitations as the Central Government may specify, whereupon it shall be competent for the Board to discharge those functions.

5. Registration : - *(1) On and from the date of commencement of this Order, no person or manufacturer shall set up a new plant or expand the capacity of the existing plant without obtaining registration/permission as the case may be from the concerned Registering Authority. For this purpose, such person may make an application in the form specified in the first Schedule alongwith the prescribed fee to the Registering Authority for obtaining registration certificate.**

(2) The provisions contained in sub-paragraph (1) shall apply to such person who handles or is equipped to handle or who has in the establishment or unit under his ownership or control (or where he has more than one such establishment, all the establishments put together) installed capacity for handling milk in excess of ten thousand litres per day, or milk product containing milk solids in excess of five hundred tonnes per annum.

(3) In the registration certificate referred to in sub paragraph (1), the terms and conditions of the registration under this Order shall cover sanitary, hygienic conditions, quality and food safety as specified in the Fifth Schedule.**

(4) omitted

(5) omitted

(5A) omitted

*1. * Substituted paragraph 5 sub paragraph(1) vide Amendment Order dated 25.7.2001.*

*2.** Substituted paragraph 5 sub paragraph 3 vide Amendment Order dated 26.3.2002*

3. Omitted paragraph 5 sub paragraph 4, 5 and 5A vide Amendment Order dated 26.3.2002

5(B) (a) The plant set up shall not be allowed to be commissioned unless an inspection has been carried out to ascertain sanitary and hygienic condition as specified in the Fifth Schedule and as per the instructions issued by the Central Government from time to time.

(b) The inspection shall be carried out by a team of three experts constituted by the applicant from a panel of experts or by a firm of quality auditors having professional experience of at least ten years in the fields of food technology, dairy technology, dairy engineering, animal husbandry and dairying and pollution control employed in institutions of repute in these fields. Such panels shall be notified by the Central Government from time to time.

(c) Soon after the inspection the experts shall submit an inspection report in sealed cover to the concerned registering authority.

(d) Such inspection shall be valid for a period not exceeding one year and the applicant shall be bound to arrange for re-inspection of the dairy plant before the expiry of the said period.”; ##

6. In respect of applicant referred to in sub paragraph (1), the registering authority shall make the registration and issue the registration certificate to the applicant in the form specified in the Second Schedule.*

1. ## Substituted paragraph 5(B) vide Amendment Order dated 26.3.2002
2 . Substituted paragraph 6 vide Amendment dated 26.3.2002.*

(7) (a) Every application for registration, complete in all respect shall be disposed of by the registering authority within a period of ninety days from the date of receipt of the application.

(b) Notwithstanding the period specified in clause (a), if the registering authority requires any additional information with respect to any application or if any application is incomplete in any respect, the registering authority may in writing require the applicant within such period mentioned therein to supply such additional information or complete the application in all respect, as the case may be.

(c) on receipt of any additional information or the complete application under clause (b), the registering authority shall dispose of the application within forty five days from the date of receipt of such completed application or additional information as the case may be.¹

(8) Omitted*

(9) Omitted*

(10) Separate registration certificate shall be obtained in respect of each undertaking or establishment or unit if the holder of the registration certificate carries on business in milk or milk product in more than one premises; provided that there shall be no need of separate registration as long as no independent business activities are carried on in these premises.

¹ Substituted Sub paragraph 7 (c) vide Amendment dated 26.3.2002.,

* *Sub paragraph 8 & 9 omitted vide Amendment Order 26.3.2002.*

*(11) Every holder of registration certificate shall inform of any additions or alterations made to the premises to the registering authorities within 30 days from the completion of addition/alteration. **

(12) Every holder of registration certificate shall endeavor to maintain a cold chain from the place of milk procurement up to the final stage of sale of the milk or milk product to the end consumer and every holder of the registration certificate shall observe such procedures and practices that may be approved by the Advisory Board for clean milk production, collection, transportation and distribution of milk and milk product and

(B) Except for the provisions of sub-paragraph (2) and (B), all the other provisions of this order shall be applicable to units that manufacture or carry on business in milk or any milk product or, have manufacturing facility for the business handling less than ten thousand litres per day of milk or milk products containing milk solids less than five hundred tonnes per annum.”&&

*6. Omitted ***

*7. Modification, addition or alteration in equipment or premises - The Registering Authority on receipt of report or otherwise if satisfied that any modification, addition or alteration is necessary in equipment or premises for the maintenance of optimum standards of sanitary requirements of milk or milk products, or to secure the quality standards of milk or milk products, or to secure cleanliness in relation to the machinery or the premises, the Registering Authority may issue direction to the holder of the Registration Certificate to carry out the modification, addition or alteration within a stipulated period and in the event of any failure or default in compliance of direction, the registration may be cancelled by the Registering Authority. ****

1. Substituted vide Third Amendment dated 27th August 1993.*

*2** Omitted Paragraph 6. Vide Amendment Order dated 25.7.2001*

*3.*** Substituted paragraph 7 vide Amendment Order dated 25.7.2001*

4.&& Sub paragraph 12 added vide Amendment Order dated 26.3.2002

8. Fee for registration and renewal.- Fee for registration (1) Subject to the provisions of sub-paragraph (2), the Central Government may, by order, specify the fee payable for registration under this Order and also specify the manner in which fee shall be payable; and

(2) Every application for registration shall be accompanied by a fee of rupees five thousand only or as may be revised from time to time by the Central Government, and fee paid by an applicant for registration, expansion, appeal etc., as the case may be, shall not be refunded.*

9. Transfer of registration. - (1) In the event of death of the holder of a registration certificate, his legal representative may apply to the registering authority for transfer of registration in his favour, and the registering authority shall after making such enquiry as he may deem fit, if he is satisfied that the applicant is the legal representative, grant the registration and issue the registration certificate or, where the registering authority is not satisfied about the claim of the applicant to be the legal representative, for reasons to be recorded in writing, reject the application:

Provided that no such application shall be rejected unless, the applicant has been given a reasonable opportunity for showing cause against the rejection:

Provided further that a copy of the Order rejecting the application shall be communicated to the applicant.

(2) When an application for transfer of registration has been made under sub-paragraph (1), the registering authority may permit the carrying on of the business in milk or milk product pending disposal of the application for registration.

10. Omitted **

1.* Paragraph 8 replaced vide Amendment Order dated 26.3.2002

2. ** Paragraph 10 omitted vide Amendment Order dated 26.3.2002

11. Collection of milk - Omitted #

12. Appointment and functions of Controller.- (1) The Central Government may, by notification in the Official Gazette, appoint or designate any officer of the Government, not below the rank of a Joint Secretary to Government of India., to exercise the powers and functions of the Controller under this Order.

(2) The Controller shall, subject to the control of the Central Government, be responsible for the general implementation and control of the provisions of this Order.

(3) The Controller shall, without prejudice to any other powers conferred upon him under this Order and the powers of the Central Government under Paragraph 13, be responsible for implementing the provisions of this Order and shall take such steps as may be necessary for furtherance of the purposes of this Order.

13. Appointment and functions of registering authority.- (1) The Central Government may, by notification in the Official Gazette, appoint or designate as many Officers of the Central or State Government or a statutory body set up by an Act of Parliament or State Legislature, as it may deem fit, as registering authority and specify their respective jurisdiction.

Provided that the registration of unit handling up to 2.00 lakh litres of milk per day or 10,000 MT of milk solids per annum where the entire activity of procurement, processing and marketing of the Unit lies within the State or Union territory, the registering authority shall be an officer of the concerned State Government or Union Territory.

(2) The registering authority shall deal with applications for registration and issue registration certificates under this Order and perform, within its jurisdiction, all functions in connection therewith for compliance with the terms and conditions of the registration.

1. # Paragraph 11 omitted vide Amendment Order dated 26.3.2002

2. Paragraph 13 for the proviso of sub paragraph 1 substituted vide Order dated 26.3.2002

14. Half yearly return and additional information: Every holder of the registration certificate shall submit half yearly return in duplicate in the form specified in the Fourth Schedule to the concerned registering authority.

15. Power to enter, inspect and seize.- The registering authority or any other officer authorised by it, may carry out periodic inspection of any premises in which manufacture or process, or business in milk or any milk product is carried on, with a view to ensuring compliance with the provisions of this Order or of any direction issued in pursuance thereof or supply of genuine and proper material to consumers, and where the registering authority, otherwise considers it necessary by general or special order, it may –

- (a) require any holder of the registration certificate or any other person to give any information in his possession with respect to his business.
 - (b) require, by notice in writing, any holder of the registration certificate or any other person to furnish samples of any milk or milk product or of any material used in the manufacture of the same.
 - (c) require any holder of the registration certificate or any other person dealing with or manufacturing or processing or handling milk or milk product, in writing, to produce books, documents or the registration certificate issued to him;
-
- (d) inspect or cause to be inspected any of the books or documents in the possession of or under the control of such persons;
 - (e) inspect or cause to be inspected any stock or any such vehicle, vessel or receptacle, if he has reason to believe that goods procured are in violation of the terms and conditions of the registration or in contravention of the provisions of this Order;
 - f) enter and search any premises and seize any article to which this Order applies and in respect of which he has reason to believe that contravention of this Order has been or is being or is about to be committed and take or authorise to take all measures necessary for securing the production of stocks with reference to milk or milk product so seized in the Court or for their safe custody, pending such production.

* Substituted paragraph 14 vide Amendment Order dated 26.3.2002

- (2) The authority or the officer referred to in sub-paragraph (I) may,—
- (a) detain, on giving a proper receipt, raw materials, documents account books, or other relevant evidence connected with the handling or processing or dealing with or manufacture of milk or milk product in respect of which he has reason to believe that a contravention of this Order has taken place;
 - (b) collect, from the holder of the registration certificate, on giving a proper receipt, samples of milk or milk product or any ingredient used in the preparation of such milk or milk product from the premises of the holder of the registration certificate in respect of which he has reason to believe that a contravention of this Order has taken place;
 - (c) collect, on payment, from any person samples of milk or milk product sold, or intended to be sold or kept for despatch or delivery to any dealer, agent or broker for the purpose of sale, and get such samples analysed at a recognised laboratory specified under sub-paragraph (6) of Paragraph 23.
- (3) The provisions of Section 100 of the Code of Criminal Procedure, 1973 (2 of 1974) shall, as far as may be, apply to every search under this Order.

16. Suspension or cancellation of registration.- (1) The registering authority may suspend or cancel the registration certificate issued under this Order, if the holder of the registration certificate,—

- (a) wilfully furnishes incorrect information at the time of applying for the registration;
 - (b) fails to comply with any of the terms or conditions of the registration certificate, or acts in contravention thereof;
 - (c) fails to comply with any of the directions issued by the registering authority, or where duly authorised in pursuance of the provisions of this Order, by any other person;
 - (d) fails to furnish any information or return as required or may be required under the provisions of this Order;
 - (e) **Omitted**
 - (f) in any other manner contravenes any of the provisions of this Order.
- (2) While exercising powers under sub-paragraph (I), it shall be open to the registering authority to issue an order of suspension in the first instance and thereafter an order of cancellation if the default or failure persists.

1. **Omitted in Paragraph 16 Clause (e) of sub paragraph (1) vide Amendment Order dated 26.3.2002.**

- (3) Before any registration certificate is cancelled in pursuance of subparagraph (1) or sub-paragraph (2), the registering authority shall give an opportunity to the holder of the certificate to show cause and in every case where the registration certificate is cancelled, a further period of three months for winding up of the business shall be given to the holder of the certificate and during that period he may carry on the business to such extent only as may be necessary for winding up the operations.

17. Maintenance of records.- The registering authority may, by general or special order, direct any person engaged in the manufacture or processing or other business of milk or any milk product to maintain such records of his business in such manner and to submit to him such returns relating to the business as have been or may be specified under the provisions of this Order.

18. Appeal to Controller.- (1) Any person aggrieved by any order of a registering authority or any other officer authorised by it, may, within thirty days of the order, prefer an appeal to the Controller who shall, after giving the person a reasonable opportunity of being heard, pass such orders thereon, as he may deem proper:

Provided that the Controller may entertain an appeal after the expiry of the said period of thirty days if he is satisfied that the appellant was prevented by sufficient cause from filing an appeal within time.

- (2) Every appeal under sub-paragraph (1) shall be accompanied by a fee of Rupees five hundred only or as may be revised from time to time by the Central Government.

19. Powers of Central Government to issue directions.- (1) Notwithstanding anything contained in this Order, the Central Government shall have power to issue any direction to the Board or to the Controller or to any registering authority, in respect of any of the matters dealt with in this Order or on any matter relevant thereto, and such direction shall prevail over any other order or direction validly made earlier.

(2) Notwithstanding anything contained in this Order, the Central Government shall have power to issue any direction in respect of any of the matters dealt with in this Order including any direction relating to any restraint or restriction or free inter-State movement of milk or milk product.

20. Temporary restriction on production of milk product.- (1) The Controller may, if he is satisfied that it is necessary so to do to maintain or increase the supply of liquid milk in any region, direct, by Order published in the Official Gazette, that for the period mentioned in the said Order, the distribution of liquid milk or the production of any milk product by any class or category of producers or manufacturers thereof shall be restricted in such manner as may be specified in the Order, provided that no such Order shall remain in force for a period of more than ninety days at a time.

- (2) In making the restriction referred to in sub-paragraph (1), the Controller shall have regard to the following factors, namely
- (a) the availability of liquid milk in the region,
 - (b) the demand for liquid milk by the general public in the region,
 - (c) the availability of skimmed milk powder and white butter for reconstitution into liquid milk by dairy plants,
 - (d) the inter se importance of liquid milk and the concerned milk product proposed to be restricted, and
 - (e) any other factor relevant for maintaining the liquid milk supply.

21. Levy on skimmed milk powder and milk fat.- (1) Where the Controller is satisfied that it is necessary to do so for the purpose of ensuring liquid milk supply to the general public of any region, he may, by order, direct any class or category of producers or manufacturers of skimmed milk powder or milk fat in that region to make available such percentage of their total production of all or any of these commodities as he may deem appropriate, to any authority designated by him for the purpose.

(2) Every producer and manufacturer referred to in sub-paragraph (1) from whom commodity mentioned therein is made available in pursuance of the direction of the Controller shall be paid the value of the same as may be determined by the Controller.

22. Appeal to the Central Government.- (1) An appeal against any order or direction issued by the Controller under this Order, shall lie, within thirty days of the issuance of this Order, to the Central Government, and the Central Government shall, after giving the appellant an opportunity of being heard, pass such order thereon as it may deem proper:

Provided that the Central Government may entertain an appeal after the expiry of the specified period if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the specified time limit.

(2) Every appeal under sub-paragraph (1) shall be accompanied by a fee of Rupees one thousand only or as may be revised from time to time by the Central Government.

23. Procedure for drawing samples, conducting analysis, and issue of prohibition order.-

(1) Subject to the provisions of sub-paragraph (2) of Paragraph 15, the registering authority or any officer or authority authorised or designated by him, when drawing the sample shall follow the under-mentioned procedure,

- (a) the sample shall be drawn in such manner as to render the sample to be homogeneous and representative so that the analysis can furnish reliable data of the nature and content of the article:

Provided that where milk or any milk product is kept, sold or stored for sale or for distribution in sealed containers having identical label declaration, the contents of

one or more of such containers as may be required to satisfy the quantity required for proper analysis, shall be treated to be a part of the sample:

Provided further that, while taking a sample, notice in writing shall be given then and thereof the intention to have it so analysed to the person from whom the sample is taken;

- (b) the sample shall forthwith be separated into three equal parts, and each part put in a separate container, marked and sealed,
 - (c) one of the parts of the sample shall be sent for analysis to a recognised laboratory and the remaining two parts shall be sent to the Controller or to any institution authorised by him for custody for use in case a re-test of the sample is required.
- (2) The laboratory to which sample is sent shall make a report to the registering authority of the results of the analysis of the sample within a reasonable time.
 - (3) Where any action is contemplated against any person on the basis of the sample drawn from him which on analysis by the recognised laboratory was found to be sub-standard or unsuitable, he shall have a right to have the second part of the sample sent for further analysis by a second laboratory duly authorised by the Controller for the purpose, and upon receipt of any such request made within fifteen days of receipt of information about the sample not satisfying the prescribed standard, the registering authority shall forward the same to the second laboratory whose report shall supersede the report given by the first laboratory mentioned in subparagraph (1) and the same shall be final and conclusive evidence of the facts stated thereunder.
 - (4) The fee payable for analysis made by the second laboratory aforesaid shall be paid by the person at whose instance the registering authority called for the further analysis.
 - (5) Where the quality of milk or milk product, as the case may be, is found, on second analysis to be sub-standard or unsuitable, the registering authority may, by an order in writing, prohibit the sale of the same as well as the handling or processing or manufacture of any such milk or milk product.
 - (6) Every laboratory recognised for the purpose of the Bureau of Indian Standards Act, 1986 (Act 63 of 1986) and any other laboratory which may be subsequently recognised by the Central Government by an Order shall be a laboratory recognised for the purposes of this Order.

24. Publication of list of holders of registration certificates.- (1) The Controller shall, as soon as may be after the commencement of this Order, publish in the Official Gazette, a list of the names and addresses of the holders of registration certificates and that of their establishments or Units, together with a description of the milk or milk product covered by their respective registration certificates.

(2) The Controller may thereafter undertake similar periodic publication,—

(a) giving particulars of any person who is subsequently issued a registration certificate, or whose certificate is amended or cancelled;

(b)giving a consolidated list inserting therein the modifications made to the first list published under sub-paragraph (1).

25. Sanitary requirements for milk and milk products.- It is hereby recognised and declared as a matter of legislative determination that in the field of human nutrition, safe, clean, wholesome milk for manufacturing purposes is indispensable to the health and welfare to the consumer of the country; that milk is a perishable commodity susceptible to contamination and adulteration; that the production and distribution of an adequate supply of clean, safe and wholesome milk for processing, manufacturing and direct consumption purposes are significant to sound health and that minimum sanitary and hygienic conditions are declared to be necessary for the production and distribution of milk for manufacturing purposes. Therefore, no person shall undertake business in milk and milk products unless: -

- (1) The dairy establishment in which milk or any milk product is being handled, processed, manufactured, stored, distributed by the holder of registration certificate, and the persons handling them shall conform to the sanitary, hygienic requirement, food safety measures and other standard as specified in the Fifth Schedule;**
- (2) The establishment is inspected in accordance with the provisions of sub-para (5) B of paragraph 5 of said Order”.**

1. Substituted paragraph 25 vide Amendment Order dated 26.3.2002.

26. Certification, packing, marking and labelling.- (1) Every person engaged in the business of handling, processing or manufacturing milk or any milk product, shall, in regard to the items of milk or milk product manufactured and the packing, marking and labelling of containers thereof, comply with the following requirements, namely:-

- (i) The product related to that items shall be got certified by the Officer authorised in this behalf by the registering authority to the effect that the goods conform to the standards of quality prescribed by the Central Government,—
 - (a) in the case of any new product manufactured for the first time after the commencement of this Order, before the product is released from the premises for the first time after manufacture, and
 - (b) in the case of any product which is already being manufactured at the commencement of this Order, at any time when the person is called upon by the registering authority to get the product certified;
 - (ii) where certificate is issued to any person in relation to any item, such person shall be authorised to place an emblem of certification on the packed goods;
 - (iii) every certificate issued under this paragraph shall require—
 - (a) that all subsequent despatches or releases of the item of milk or milk product shall conform to the standard specified at the time of certification.
 - (b) that the certificate holder is authorised to place the certificate number and the emblem of certification on such packaged goods and that the same shall be displayed prominently on each of them; and
 - (c) the label on the packaged goods shall not contain any statement, claim, design or device which is false or misleading in any manner concerning the milk or milk product contained in the package or about the quality or the nutritive value or of the place of origin of the same;
 - (iv) the constituents ingredients of milk or milk product shall conform to the standards prescribed by the Central Government.
- (2) In every case where the milk or milk product is packed by the holder of a registration certificate in a tin, barrel, carton or any other container, the registration number shall either be exhibited prominently on the side label of such container or be embossed, punched or printed prominently thereon.
- (3) There shall be specified on every label of a package of milk or milk product,—
- (a) the name, trade name or description of the article contained in the package;
 - (b) the name and business address the holder of registration certificate and the registration number

- (c) the net weight or number or measure or volume of contents, as the case may be,
- (d) a batch or code number, except in the case of any—
 - (i) package weighing less than 60 grams or 60 millilitre of milk or milk product; and
 - (ii) milk (including sterilized milk but not including condensed milk) packed in bottles, cartons, or sachets;
- (e) the day, month and year of manufacture or packing milk and the month and year of manufacture or packing of milk product:

Provided that this clause shall not apply in the case of ice cream, butter and cheese, and bottles, cartons or sachets containing liquid milk (not being condensed milk), beverage containing milk as ingredient, which are returnable by the consumer for refilling;
- (f) the date of manufacture or packing on packages containing sterilized milk, infant milk food.

(4) A holder of registration certificate shall not pack milk or any milk product other than those processed or manufactured by him or, those obtained from any other person holding a registration certificate.

(5) Without prejudice to the generality of the provisions contained in sub-paragraph (I), the registering authority may, by order, specify the requirements with regard to the packing, marking and labelling of packages of milk product of any specified type or description, whether such milk product is manufactured in India or not, and every manufacturer or person authorised by him shall be bound to comply with the provisions of such order.

(6) Nothing contained in this paragraph shall apply to milk or milk product imported into India.

27. Compliance with directions and orders- (1) The Controller may issue such direction, or instructions consistent with the provisions of this Order as may be necessary for carrying out the provisions of this Order.

(2) Every person to whom any direction or instruction is given or order is issued, in pursuance of any provision of this Order shall be bound to comply with such direction or instruction or order and any default or failure on the part of the person to comply with the same shall be deemed to be a contravention of the relevant provision of the Order.

(3) Every person shall be bound to furnish any information called for in pursuance of the provisions of this Order and in default, shall be deemed to have violated the provisions of the Order.

(4) No person shall cancel, destroy, mutilate or deface any book, document or any other evidence with a view to evading any provision of this Order.

28. Prosecution.- Any person,

- (a) handling or processing or controlling or manufacturing milk or any milk product without obtaining a registration certificate as required under this Order, or
- (b) continuing to manufacture or process or handle or pack milk or milk product after suspension or revocation or expiry of registration certificate issued or,
- (c) handling, processing, manufacturing, controlling or packing milk or milk product in contravention of the provisions of this Order or of the terms and conditions of the registration certificate or
- (d) producing any item in excess of the quantity specified for that item in the registration certificate or
- (e) making any manufacturing facility in contravention of the provisions of sub paragraph (1) of Paragraph 5,

shall, in addition to suspension, revocation, or cancellation of his registration certificate, be liable to prosecution for the contravention of the provisions of this Order.

29. Previous sanction for prosecution:- *In the case of any contravention of any of the provisions of this Order by the holder of registration certificate or any other person, the concerned Registering Authority shall be empowered to initiate suitable action against the holder of registration certificate or any other person as the case may be.**

** Substituted paragraph 29 vide Amendment Order dated 25.7.2001*

30. Penalty.- Every person who contravenes or is deemed to have contravened any of the provisions of this Order, or any of the terms and conditions of the registration certificate, or fails to carry out any direction or order or request made or instruction given thereunder, shall be punishable under Section 7 of the Essential Commodities Act, 1955 (10 of 1955).

31. Transitional and other provisions.- (1) With effect from the date of commencement of this Order and until the constitution of the Board, and also at any time the Board is not in existence or the Controller is not in position, the Secretary to the Government of India in the Department of Animal Husbandry and Dairying in the Ministry of Agriculture shall be competent to exercise all the powers and discharge all the functions of the Board under this Order and he may authorise any Officer, not below the rank of a Joint Secretary to the Government of India in the Ministry of Agriculture to perform the functions of the Controller till the date of appointment of a Controller in accordance with this Order.

(2) For the transitional period pending the appointment of registering authorities under this Order, it shall be competent for the person exercising the powers of the Controller, to authorise one or more Officers or designate any authority to discharge the functions of a registering authority and determine the jurisdiction in relation to each of them.

32. Repeal and savings.- (1) The provisions of this Order and instructions issued thereunder, shall supersede any order made under Section 3 of the Essential Commodities Act, 1955 (10 of 1955) in so far as it relates to milk or milk product.

(2) Notwithstanding such supersession, anything done or any action taken or initiated under those Orders shall be deemed to have been done, taken or initiated under the corresponding provisions of this Order.

FIRST SCHEDULE
Application for registration
[See Sub-Paragraph (1) of Paragraph 5]

PART I

1. Name and Address of the applicant.
2. *Names of the Managing Director, Directors, Proprietors, Partners, Owners etc.*
3. Address of the business/dairy plant and of all the establishments/premises owned or managed by the applicant.
4. Telephone Numbers/Gram/Telex
5.
 - (a) Description of milk and milk products with quantities per year which the applicant is equipped to handle/control/process/manufacture. (Give full details)
 - (b) If already handling processing/controlling or manufacturing milk or milk product, the annual quantity of each product in the last three years (Give separately for each year)
 - (c) The quantity of each item of milk or milk product proposed to be handled processed or manufactured.
6. Branches including chilling/collection centers.
7. Installed per day capacity of the dairy plant.
8. Total quantities of milk and each of the mil products handled or processed or controlled during the year.
9. Average quantity of milk per day to be used or handled
 - (a) In lean season
 - (b) In flush season

PART II

DETAILED DESCRIPTION ABOUT COLLECTION OF MILK

1. Geographical area proposed for the milk collection.
2. Number of districts and villages from where the milk will be collected.
3. Number of breed-wise milch cows, buffaloes, sheep or goat, district-wise in the area.
4. District map showing taluka/Tehsil boundaries and major roads/rail roads etc.
5. A brief description about the existing milk procurement, processing and marketing facilities.
6. Milk producers' cooperative societies/union etc – total and functional in the area of operation.
7. Number of dairy plants – public/private in the area of operation.
8. Any other developmental program.
9. Input services provided to the farmers/proposed to be provided for milk production enhancement.

I/we hereby undertake to comply with all the provisions of the Milk and Milk Product Order, 1992.

Please find forwarded herewith the prescribed registration fee.

I/we declare that the facts stated herein above and the particulars given in Parts II and I are true and correct.

Signature(s) of the applicant(s)

Place

Date

SECOND SCHEDULE

[See sub-paragraphs 6 and 7 of Paragraph 5]

Registration Certificate

1. Name and address of the certificate holder

(a) Name (IN CAPITAL LETTERS) -----

Address -----

2. Address of authorised premises for manufacture etc.

3. Subsequent change of premises, if any

4. Area of operation for milk procurement

Taluk / Circle / Tehsil / Block / Sub-Division / ----- District--- State ----

(i) -----

(ii) -----

(iii) -----

(iv) -----

5. Installed capacity of the dairy plant and milk products proposed to be manufactured

(a) Milk processing capacity ----- litres / day

(b) Milk Products (specify the name of the product proposed to be manufactured within the overall processing capacity of liquid milk stated to in (a) above

1.-----

2.-----

3.-----

6. Specifications of equipment installed and to be installed with capacity rating

The registration certificate is issued and is subject to the provisions of Milk and Milk Product Order, 1992 and the holder of the registration certificate shall comply with the conditions specified below. This is a one-time registration.

CONDITIONS

The holder of the registration certificate shall –

- (1) Comply with the provisions of Milk and Milk Product Order, 1992 and any direction or instruction issued thereunder.
- (2) Give necessary access to his premises to all implementing authorities/agencies and their personnel to ensure compliance.
- (3) Not produce any product other than the product indicated in this registration certificate.
- (4) Furnish periodic returns as required under the Order.
- (5) Comply with any other direction of the registration authority/Controller and the Central Government.

Place

Dated the

THIRD SCHEDULE

(Omitted vide Amendment Order dated 25.7.2001)

FOURTH SCHEDULE***Half yearly Return*****[See of Paragraph 14]****For the Period ending.....**

Name of Dairy Plant/Unit/other

Establishment/Premises (with address)

Name of the holder of

Town/District

State

Registration Certificate

Registration Number

Date of issue

Stock Position

Fat (MT)

Solids-not-fat (MT)

Opening Stock

Receipts

Dispatches

Closing Stock

Milk Procurement

Source of Procurement	Type of milk	Total Qty. (MT)	Total fat (MT)	Total SNF (MT)	**Prices Rs/Kg of milk	**Prices Rs./Kg of fat	*Prices Rs./Kg of SNF	Remarks
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Village milk Prod.
Co-op societiesCow
Buffalo
MixedMilk Prod.
Coop. Unions
/FederationsCow
Buffalo
Mixed

Other agencies

Cow
Buffalo
Mixed

** Annexe details regarding name, location etc. Indicate landed price of milk

MT - Metric tonnes

Rs/kg - Rupees per kilogram

Reasons for conservation of commodities

Total Half yearly (MT)

Commodities used for -----

Whole milk powder Skimmed milk powder Butter Oil White Butter

Combined milk for sale

Other Milk Products

Product manufactured

Product	Qty. Produced (MT)	Average Fat/SNF	Product (Mt.)	Qty.	Average Fat/SNF
---------	-----------------------	--------------------	------------------	------	--------------------

1. White Butter
2. Table Butter
3. Ghee
4. Skimmed milk powder
5. Whole milk powder
6. Infant food
7. Malted food
8. Chocolate products
9. Cheese
10. Any other article containing milk or milk product
11. Ice Cream
12. Yogurt.

Qty – Quantity

MT - Metric Tonnes

SNF – Solid – not - fat

Milk sold directly in towns (Name)	Packing (specify)	Total quantity during the period (.000L)	Average Fat/SNF	Consumer price (Rupees per litre)
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Milk supplied to other dairies (Name of dairy)	Total qty. during the period (.000L)	Average Fat /SNF	Price (Rupees per litre)
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Product marketing

Product	Opening Stock	Quantity sold during the Period (MT)	Closing Stock (Metric Tonnes)	Average selling ex-dairy (Rs/lit)
1. White Butter				
2. Table butter				
3. Ghee				
4. Skim milk powder				
5. Whole milk powder				
6. Infant food				
7. Malted food				
8. Cheese				
9. Chocolate Products				
10. Any other article containing milk or milk product				
11. Ice-Cream				
12. Yogurt				

Signature

Place:

Date:

FIFTH SCHEDULE
(See Para 5 and 25)

CONDITIONS FOR REGISTRATION OF DAIRY ESTABLISHMENTS

A. GENERAL CONDITIONS OF SANITARY AND HYGIENE FOR DAIRY ESTABLISHMENTS

1. Dairy Establishments shall have the following:
 - (a) facilities for the hygienic handling and protection of raw materials and of non-packed or non-wrapped dairy products during loading and unloading;
 - (b) appropriate arrangements for protection against pests;
 - (c) instruments and working equipment intended to come into direct contact with raw materials and dairy products which are made of corrosion-resistant material and which are easy to clean and disinfect;
 - (d) special watertight, non-corrodible containers in which to put raw materials or dairy products intended for human consumption. Where such raw materials or dairy products are removed through conduits, these shall be constructed and installed in such a way so as to avoid any risk of contamination of other raw materials or dairy products;
 - (e) appropriate facilities for the cleaning and disinfecting of equipment and instruments especially cleaning in place (CIP) system;
 - (f) an adequate waste water disposal system which is hygienic and approved by Pollution Control Board;
 - (g) a supply of potable water. However a supply of non-potable water is also permitted provided that it is intended only for the cooling of equipment, steam production, fire-fighting and refrigeration equipment, and provided that the pipes installed for this purpose preclude the use of this water for other purposes and present no direct or indirect risk of contamination of the dairy products. Non-potable water pipes shall be clearly distinguished from those used for potable;

- (h) an appropriate number of changing rooms with smooth, waterproof, washable walls and floors and within the room or in its immediate vicinity, wash basins with non hand-operable taps, hygienic hand-drying facilities and flush lavatories. The lavatories shall not open directly on to the work rooms;
 - (i) a lockable room or a secure place for the storage of detergents, disinfectants and similar substances;
 - (j) a rack or cupboard for storing cleaning and maintenance material;
 - (k) adequate facilities for cleaning disinfecting tanks used for transporting dairy products. However such facilities shall not be compulsory if alternative facilities which are acceptable to the registering authority are available to the dairy establishment for such purpose; and
 - (l) room with adequate capacity for storing raw materials and dairy products.
2. (1) Dairy establishments shall have working areas of sufficient size for work to be carried out under adequate hygienic conditions; their design and layout shall be such as to preclude contamination of the raw materials and the dairy products.
- (2) The production of heat-treated milk or the manufacture of milk-based products, which might pose a risk of contamination to other dairy products, shall be carried out in a clearly separated working area.
- (3) In areas where raw materials are handled and dairy products are manufactured, the areas shall have the following;
- (a) soild, waterproof flooring which is easy to clean and disinfect and which allows water to drain away, and equipment to remove water;
 - (b) walls which have smooth surfaces and are easy to clean, are durable and impermeable and which are covered with light-coloured coating;
 - (c) ceilings or roof linings which are easy to clean in those areas where exposed or non-packaged raw materials or Dairy products are handled;
 - (d) doors made of non-corrodible materials which are easy to clean;
 - (e) adequate ventilation and, where necessary, good steam and water-vapour extraction facilities in accordance with Factory Act, 1948;
 - (f) adequate natural or artificial lighting in accordance with Factory Act, 1948;

- (g) an adequate number of facilities with hot and cold running water, or water pre-mixed to a suitable temperature, for cleaning and disinfecting hands; taps in work rooms and lavatories for cleaning and disinfecting hands which shall be non hand-operable, these facilities shall be provided with cleaning and disinfecting materials and a hygienic means of drying hands; and
- (h) facilities for cleaning tools, equipment and installations.
3. (1) Subject to sub-paragraph (2) of this paragraph, the rooms where raw materials and dairy products are stored shall comply with the requirements specified in paragraph 2(3)(a) to (f) above.
- (2) Raw Materials and dairy products shall not be stored in rooms which do not comply with all or any of the requirements of paragraph 2(3)(a) to (f) above.
4. *Rodents, insects and any other vermin shall be systematically destroyed in the dairy establishment and any creature, including any harmful animal shall be prevented from entering rooms in which dairy products are manufactured or stored.*
5. *Instruments and equipment used for working on raw materials and dairy products, floors, ceilings or roof linings, walls and partitions shall be kept in a satisfactory state of cleanliness and repair, so that they do not constitute a source of contamination to raw materials or dairy products.*
6. *Equipment, containers and installations which come into contact with dairy products or perishable raw materials used during production shall be cleaned and if necessary disinfected according to a cleaning programme based on risk analysis principles.*
7. *Equipment, containers, instruments and installations which come into contact with microbiologically stable dairy products and the rooms in which they are stored shall be cleaned and disinfected according to a cleaning programme based on risk analysis principles drawn up by the occupier of the dairy establishment.*
8. *Any container or tank used for transporting and storage of raw milk shall be cleaned and disinfected before re-use.*

9. *The processing establishment shall in principle be cleaned according to a cleaning programme based on risk analysis principles.*

10. *The occupier of a dairy establishment shall take appropriate measures to avoid cross-contamination of dairy products in accordance with the cleaning programme specified in paragraph 7 above.*

11. *Disinfectants and similar substances used shall be used in such a way that they do not have any adverse effects on the machinery, equipment, raw materials and dairy products kept at the dairy establishment. They shall be in clearly identifiable containers bearing labels with instructions for their use and their use shall be followed by thorough rinsing of such instruments and working equipment with potable water.*

12. *Where a dairy establishment produces foodstuffs containing dairy products, together with other ingredients, which have not undergone heat-treatment, or other treatment having an equivalent effect, such dairy products and ingredients shall be stored separately to prevent cross-contamination.*

B. GENERAL CONDITIONS OF HYGIENE APPLICABLE TO STAFF

1. *The registrant of a dairy establishment shall employ those persons only in such an establishment to work directly with and handle raw materials or dairy products if those persons have proved to the occupier's satisfaction by means of a medical certificate, on recruitment, that there is no medical impediment to their employment in that capacity.*

2. *Persons working directly with and handling raw materials or dairy products shall maintain the highest standards of personal cleanliness at all times. In particular they shall -*

- (a) wear suitable, clean working clothes and headgear which completely encloses their hair;*
- (b) not smoke, spit, eat or drink in rooms where raw materials and dairy products are handled or stored;*

(c) *wash their hands at least each time work is resumed and whenever contamination of their hands has occurred; and*

(d) *cover wounds to the skin with a suitable waterproof dressing.*

3. *The occupier shall take all necessary measures to prevent persons liable to contaminate raw materials and dairy products from handling them until the occupier has adequate evidence that such persons can do so without risk of contamination.*

C. SANITARY AND HYGEINIC REQUIREMENTS FOR STORAGE

1. *Immediately after procuring, raw milk shall be placed in a clean place, which is suitably equipped so as to prevent the raw milk suffering from any adverse effect.*

2. - (1) *Where raw milk is -*

(a) *collected daily from a producer shall, if not collected and brought to the dairy plant within four hours of milking, be cooled as soon as practicable after procuring to a temperature of 8 C or lower and maintained at that temperature until processed;*

3. *Upon acceptance at a processing establishment milk shall, unless heat-treated within four hours of acceptance, be cooled to a temperature of 4 C or lower, if not already at such temperature, and maintained at that temperature until heat-treated.*

4. *When the pasteurization process is completed, pasteurized milk shall be cooled immediately to a temperature of 4 degree Celsius or lower.*

5. *Subject to paragraph 7 below, any dairy product not intended to be stored at ambient temperature shall be cooled as quickly as possible to the temperature established by the manufacturer of that product as suitable to ensure its durability and thereafter stored at that temperature.*

6. *Where Dairy products other than raw milk are stored under cooled conditions, their storage temperatures shall be registered and the cooling rate shall be such that the products reach the required temperature as quickly as possible.*

7. *The maximum temperature at which pasteurized milk may be stored until it leaves the treatment establishment shall not exceed 5 degree Celsius.*

D. WRAPPING AND PACKAGING

1. *The wrapping packaging of dairy products shall take place under satisfactory hygienic conditions and in rooms provided for that purpose.*

2. *The manufacture of dairy products and packaging operations may take place in the same room if the following conditions are satisfied: -*

- (a) the room shall be sufficiently large and equipped to ensure the hygiene of the operations;*
- (b) the wrapping and packaging shall have been brought to the treatment or processing establishment in protective cover in which they were placed immediately after manufacture and which protects the wrapping or packaging from any damage during transport to the dairy establishment, and they shall have been stored there under hygienic conditions in a room intended for that purpose;*
- (c) the rooms for storing the packaging material shall be free from vermin and from amounts of dust which could constitute an unacceptable risk of contamination of the product and shall be separated from rooms containing substances which might contaminate the products. Packaging shall not be placed directly on the floor;*
- (d) packaging shall be assembled under hygienic conditions before being brought into the room, except in the case of automatic assembly or packaging, provided that there is no risk of contamination of the products;*
- (e) packaging shall be brought into the room under hygienic conditions and used without delay. It shall be handled by staff handling unwrapped products, if there is a risk of cross-contamination; and*

(f) immediately after packaging, the dairy products shall be placed in the rooms provided for storage.

3. Bottling or filling of containers with heat-treated milk and milk product shall be carried out mechanically and the sealing of the containers shall be carried out automatically.

4. Wrapping or packaging may not be re-used for dairy products, except where the containers are of a type which may be re-used after thorough cleaning and disinfecting.

5. Sealing shall be carried out in the establishment in which the last heat-treatment of drinking milk or liquid milk-base products has been carried out, immediately after filling, by means of a sealing device which ensures that the milk is protected from any adverse effects of external origin on its characteristic. The sealing device shall be so designed that once the container has been opened, the evidence of opening remains clear and easy to check.

(D.S. NEGI)

Joint Secretary to the Government of India

(File No. 9-4/2000-DP)

Foot Note: The Principal Order was published in the Gazette of India vide number SO 405(E) dated, the 9th June, 1992 and subsequently amended vide S.O.32 (E) dated, the 7th Jan., 1993; S.O. 111 (E) dated 17th Feb., 1993; S.O. 639(E) dated 27th August, 1993; S.O. 240 (E) dated 24th March, 1995. And 701 (E) dated 25th July 2001.

To

The Manager,
Government of India Press,
Maya Puri,
New Delhi.

(D.S. NEGI)

Joint Secretary to the Government of India

(File No. 9-4/2000-DP)

SIXTH SCHEDULE

Omitted vide Amendment Order dated 25.7.2001