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Ministry of Law, Justice and Parliamentary Affairs
Nepal Rajapatra, Vol. 42, No. 37 (E), Kartik 6, 2049
(October 22, 1992).

Food (Third Amendment) Act, 1992

Preamble: Whereas it is desirable to amend the 1966 Food Act, now therefore the Parliament has enacted this law in the 21st year of the reign of His Majesty King Birendra Bir Bikram Shah Dev.

1. Short Title and Commencement

- (1) This law may be called the Food(Third Amendment) Act, 1992.
- (2) It shall come into force at once.

2. Amendment in Section 2 of the 1966 Food Act

Section 2 of the 1966 Food Act (hereinafter called the principal act) has been replaced by the following Section 2:

2. Definitions

Unless otherwise meant with reference to the subject or context, in this act,

- (a) Foodstuffs mean unprocessed or semi-processed, processed or manufactured foodstuffs or beverages which are ordinarily consumed by human beings; the term includes spices and food additives, dyes and perfumes.
- (b) Contaminated foodstuffs mean foodstuffs in any of the following conditions:
 - (1) Foodstuffs which have rotted or perished or which are kept or prepared in dirty or toxic conditions in such a manner as to harm health.
 - (2) Foodstuffs prepared wholly or partially from any diseased or disease-carrying birds or animals or harmful vegetable materials, in such a manner as to be unfit for human consumption.

(3) Foodstuffs which are likely to harm health because any food additive, dye, preservative, internally developed or externally mixed chemical or insecticide exceeds the prescribed limit.

(c) Sub-standard foodstuffs mean foodstuffs of any of the following conditions:

(1) Any foodstuff in which the quantity of the main ingredient has been so reduced or any other ingredient so mixed as to cause a decline in the natural quality of the foodstuff.

Provided that in the case of foodstuffs containing two or more ingredients, if the names and quantities of such mixed ingredients are clearly mentioned, and do not harm health, such foodstuffs shall not be regarded as sub-standard foodstuffs.

(2) Foodstuffs below the standard prescribed in Section 7, or the minimum necessary standard prescribed in the rules or orders issued under this act, or which exceeds the maximum standard prescribed, if any.

(d) Prescribed or as prescribed means prescribed or in the manner prescribed in the rules or orders issued under this act.

3. Amendment in Section 3 of the Principal Act

Section 3 of the principal act has been replaced by the following section 3.

3. Prohibition to produce and sell or distribute Contaminated Foodstuffs or Sub-standard Foodstuffs

No person shall produce, sell or distribute, export or import contaminated or sub-standard foodstuffs or keep such foodstuffs for any of these purposes.

4. Amendment in Section 4A of the Principal Act

The word "contaminated", contained in Sub-Section (1) and Sub-Section (2) of Section 4A of the principal act, has been replaced by "contaminated or sub-standard."

5. Amendment in Section 5 of the Principal Act

Section 5 of the principal act has been replaced by the following section 5:

5. Penalties

(1) Any person who produces, sells, distributes, exports or imports sub-standard foodstuffs shall be punished with a fine ranging between Rs 1,000 and Rs 2,000 for the first offense, and between Rs 2,000 and Rs 5000, or imprisonment for a term ranging between six months and one year, or both, for the second and each subsequent offense.

- (2) Notwithstanding anything contained in Sub-Section (1), in case any hawker who sells milk, yoghurt, or other foodstuffs without setting up a permanent shop, acts in contravention of this act or the rules or orders issued hereunder, he shall be punished with a fine ranging between Rs 50 and Rs 200 for the first offense, with a fine ranging between Rs 200 and Rs 500 or with imprisonment for a term not exceeding three months, or with both, for the second offense, and with a fine ranging between Rs 500 and Rs 1,000, or with imprisonment for a term ranging between three months and six months, or with both, for the third and each subsequent offense.
- (3) Any person who produces, sells, distributes, exports or imports contaminated foodstuffs shall be punished with a fine ranging between Rs 5,000 and Rs 10,000, or with imprisonment for a term ranging between one year and two years, or with both.
- (4) In case any person is likely to die as a result of the consumption of any contaminated foodstuff, or in case he dies, or in case he suffers an irreparable physical damage, or is likely to do so, the person who produces or sells or distributes such foodstuff shall be punished with a fine ranging between Rs 10,000 and Rs 25,000, and with imprisonment for a term not exceeding three years, and he shall also pay compensation ranging between Rs 25,000 and Rs 100,000 to the nearest relative of the person affected by such contaminated foodstuff.
- (5) Any person who contravenes any provision of this act, or the rules or orders issued hereunder, other than those mentioned in Sub-Sections (1), (2), (3), and (4) shall be punished with a fine not exceeding Rs 1,000.

6. Amendment in Section 8 of the Principal Act

The word "contaminated", occurring in Section 8 of the principal act, has been replaced by "contaminated or sub-standard".

7. Amendment in Section 9 of the Principal Act

The words "of not more than nine persons in order to determine the standard of foodstuff", occurring in Section 9 of the principal act, have been replaced by "to determine the standard of foodstuffs".

8. Amendment in Section 13 of the Principal Act

Clause (a) of Sub-section (2) of Section 13 of the principal act has been replaced by the following Clause (a):

- (a) Laboratory for analysing or conducting research, the working procedure thereof, and the qualifications of experts and officials of such laboratory.

9. Conversion

The term "Khadya Janshaki", occurring at different places in the principal act and the rules framed hereunder, has been changed to "Khadya Nirikshak (Food Inspector)".

Royal Seal Affixed on : Kartik 6, 2049 (October 22, 1992)
