

Food Act, 2023 (1967)

Date of Royal Seal and Publication

2023.5.24 (9 September 1967)

The Amending Acts:

1.	The Food (First Amendment) Act, 2030 (1973)	2030.12.23 (5 April 1970)
2.	The Administration of Justice Act, 2048 (1991)	2048.2.16 (30 May 1991)
3.	The Food (Second Amendment) Act, 2048 (1991)	2048.2.21 (3 June 1992)
4.	The Food (Third Amendment) Act, 2049 (1992)	2049.7.6 (22 October 1992)

An Act Made to Maintain Purity in Food

Preamble:

Whereas, it is expedient to make legal provisions so as to prevent any undesirable adulteration in food or subtraction or extraction of any natural quality or utility from food and keep on proper standards of food, for the purpose of maintaining the health and convenience of the general public;

Now therefore, **His Majesty King Mahendra Bir Bikram Shah Dev** has enacted this law on the advice and with the approval of the *National Panchayat*, enacted this Act.

1. Short Title, Extent and Commencement

1. This Act may be cited as the "Food Act, 2023 (1967)"
2. It shall come into force in such area and on such date as His Majesty's Government may, by notification in the Nepal Gazette, appoint.

2. Definitions

Unless the subject or the context otherwise requires, in this Act:

- a. "food" means any unprocessed, semi-processed, processed or produced food or drinking substance which the human being generally consumes and drinks, and includes any species, food additives, color or flavor to be used in any food or drinking substance.
- b. "adulterated food" means any food in any of the following conditions:
 1. The food which is so rotten, decayed or kept or prepared in a dirty or filthy or poisonous condition that it is injurious to health,
 2. The food of which some or all parts have been so made of any diseased or disease carrying animal, bird or injurious vegetation as to render it unfit for consumption by the human being,
 3. The food which is likely to be injurious to health because of the fact that any food additive, preservative, inner or outer mixed chemical compound or pesticide level exceeds the prescribed upper limit,

c. "sub-standard food" means any food in any of the following conditions:

1. The food the quantity of the main ingredients of which has been so lowered or with which any other food has been so mixed that its original/natural quality is substandard,

Provided, however, that if the food with which two or more food substances have been mixed clearly contains the names and quantities of such substances and is not injurious to health, such food shall not be considered as a sub-standard food.

2. (2) The food of which standard is lower than the quality standard fixed under section 7 or the minimum required standard Prescribed in the rules or orders framed or issued under this Act or of which standard exceeds the maximum standard, if any, prescribed.

d. "prescribed" or "as prescribed" means prescribed or as prescribed in the rules or orders framed or issued under this Act.

3. Prohibition on production and sale of adulterated food or sub-standard food:

No person shall produce, sell, distribute, export or import any adulterated food or sub-standard food or hold such food for any of such purposes.

4. Prohibition on sale of food by lying or misleading:

No person shall sell or distribute any food by lying or misleading that food to be another food or any food of lower standard to be of higher standard.

. Powers to withhold Food:

1. The prescribed authority may, if s/he suspects that any food is an adulterated food or sub-standard food, seal such food, hand over its custody to the owner of that food and receive a receipt thereof from him/her and withhold it.
2. After the food withheld pursuant to sub-section (1) has been finally decided or held to be an adulterated food or sub-standard food, His Majesty's Government may confiscate such food, by order of the prescribed authority, taking into account of the quantum of guilt, nature of guilt and injury likely to be resulted from it.

a. Licenses to be Obtained

1. Any person intending to produce, sell store or process the prescribed food shall obtain the license as prescribed.
2. Notwithstanding anything contained in sub-section (1), in the case of a sealed food, a retailer having obtained the deed of guarantee as prescribed from the licensed producer or wholesaler shall not be required to obtain the license as referred to in this section.

5. Punishment

0. Any person who produces, sells, exports or imports the sub-standard food may be punished with a fine from Rs. 1,000/- to Rs. 2,000/-, for the first instance, with a fine from Rs. 2,000/- to Rs. 5,000/-, for each instance from

the second instance onwards, or with imprisonment for a term from six months to one year or with both.

1. Notwithstanding anything contained in sub-section (1), if an itinerant seller or vendor who sells milk, curd or other food without opening a shop violates this Act or the rule or order framed or issued under this Act, such vendor may be punished with a fine from Rs. 50/- to Rs. 200/-, for the first instance, and from Rs. 200/- to Rs. 500/-, for the second instance, or with imprisonment for a term not exceeding three months and with a fine from Rs. 500/- to Rs. 1,000/- or with imprisonment for a term from three months to six months or with both, for each instance from the third instance onwards.
2. Any person who produces, sells, exports or imports the Adulterated Food may be punished with a fine from Rs. 5,000/- to Rs. 10,000/- or with imprisonment for a term from one year to two years or with both.
3. If, after consuming any adulterated food, any person is likely to die or dies or suffers an irreparable bodily damage or is likely to suffer such damage, the producer or seller of such adulterated food may be punished with a fine from Rs. 10,000/- to Rs. 25,000/- and imprisonment for a term not exceeding three years; and such producer or seller has to provide a compensation in a sum from Rs. 25,000/- to Rs. 100,000/- to the person affected from that adulterated food or his heir.
4. Any person who violates any provision of this Act or any matter contained in a rule or order framed or issued under this Act, other than the matters as referred to in sub-sections (1), (2), (3) and (4), may be punished with a fine not exceeding Rs. 1,000/-

6. Liability of offense committed by firm or body corporate:

If any firm or body corporate violates this Act or the rule or order framed or issued under this Act, in the case of a firm, its owner or partner, and in the case of a body corporate, the chief administrative officer carrying out the functions of that body, shall be liable to the punishment for purposes of sub-section (1) of section 5.

Provided, however, that in the case of any act and action carried out prior to his/her being partner or such administrative officer or if s/he proves that s/he was not in a position to know the violation, such a person shall not be liable for such punishment.

7. Power to specify quality standard of food:

His Majesty's Government may issue orders from time to time pertaining to the matters as to within which limit the quality standard or quantity of any substance is to exist in any food. Each of such orders shall be published in the Nepal Gazette.

8. Test of food

A test as to whether any food is adulterated or of sub-standard or not shall be done at the prescribed laboratory, and a report thereon shall be received from the concerned official or officials of that laboratory.

9. Food standard fixation committee

His Majesty's Government may, from time to time, constitute a food standard fixation committee to fix the food standard.

10. To be state case

Any case under this Act shall be a state case.

11. Case **trying** **authority**

The chief district officer shall have the authority to originally try and settle cases under this Act.

12. Appeal

Any person who is not satisfied with a decision made by the chief district officer may file an appeal in the appellate court within thirty-five days after the date when the decision was made.

13. Power to Frame Rules

0. His Majesty's Government may frame rules to implement the objectives of this Act.

1. Without prejudice to the generality of the powers conferred by sub-section (1), such rules may provide for the following matters, in particular:

- a. Food analysis or testing laboratory and its procedures and qualifications of the expert or official of that laboratory.
- b. Food Inspector and his powers and duties,
- c. Functions, duties, powers and obligations and other procedures of the food standard fixation committee,
- d. Matter on the putting of any specific kind of label by the producer or seller of any specific food to be produced in Nepal on such food,
- e. Specification of the level of mixture of color, flavor, species or any other thing with food,
- f. Other necessary provisions to be followed to maintain the proper standard of food.

NB: Places and dates of the commencement of Act:

1. The Food Act, 2023 (1967) was enforced in the following districts on 16 December 2029.9.1 (1973) by the notification published in the Nepal Gazette dated 4 December 2029.8.19 (1973): In Kathmandu District: Kalimati Village Development Committee; Bhimsengola Village Development Committee; Mahadevsthan Village Development Committee; Pashupati Village Development Committee; Dallu Village Development Committee; Bhagawansthan Village Development Committee; Chabahil Village Development Committee; in Lalitpur District: Lalitpur Municipality; in Bhaktapur District: Bhaktapur Municipality.
2. The Food Act, 2023 (1967) was enforced in the following municipal areas on 17 September 2030.6.1 (1974) by the notification published in the Nepal Gazette dated 2030.6.29 (15 October 1974): Bhadrapur Municipality, Biratnagar Municipality, Janakpur Municipality and Birgunj Municipality.
3. The Food Act, 2023 (1967) was enforced in all the areas of the following districts by the notification published in the Nepal Gazette dated 2031.6.28 (14 October 1975): (1) Kathmandu, (2) Lalitpur, (3) Bhaktapur, (4) Parsa, (5) Makawanpur, (6) Dhanusha, (7) Morang, (8) Sunsari, (9) Jhapa.

4. The Food Act, 2032 (1967) was enforced on 2032.1.11 (23 April 1967) in all the areas of Rupandehi and Banke Districts, by the notification published in the Nepal Gazette dated 2032.8.22 (7 November 1967).
5. The Food Act, 2033 (1967) was enforced on 2033.12.1 (14 March 1977) in all the areas of Kaski, Shyangja, Palpa and Kapilvastu Districts, by the notification published in the Nepal Gazette dated 2033.7.16 (1 November 1977).
6. The Food Act, 2035 (1967) was enforced on 2035.2.1 (14 May 1979) in all the areas of Ilam, Saptari, Bara, Rautahat, Chitawan and Kavrepalanchok Districts by the notification published in the Nepal Gazette dated 2035.12.25 (7 April 1979).
7. The Food Act, 2038 (1967) was enforced on 2038.10.19 (1 January 1982) in all the areas of Siraha, Mahottari, Sarlahi, Nawalparasi, Dang, Kailali, Kanchanpur, Baitadi and Darchula Districts as per the notification published in the Nepal Gazette dated 2039.4.11 (26 July 1983).
8. The Food Act, 2045 (1967) was enforced on 2045.3.20 (4 July 1988) in all the areas of Gorkha, Dhading, Nuwakot, Dhankuta and Surkhet Districts as per the notification published in the Nepal Gazette dated 2045.3.20 (4 July 1988).
9. The Food Act, 2057 (1967) was enforced on 2057.3.26 (9 July 2000) in all the areas of the following Districts as per the notification published in the Nepal Gazette dated 2057.3.26 (9 July 2000):

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| 1. Panchthar | 2. Taplejung | 3. Tehrathum |
| 4. Sankhuwasabha | 5. Bhojpur | 6. Khotang |
| 7. Udayapur | 8. Solukhumbu | 9. Okhaldhunga |
| 10. Dolakha | 11. Ramechhap | 12. Sindhuli |
| 13. Sindhupalchok | 14. Rasuwa | 15. Tanahun |
| 16. Lamjung | 17. Manang | 18. Arghakhanchi |
| 19. Gulmi | 20. Parbat | 21. Myagdi |
| 22. Baglung | 23. Mustang | 24. Pyuthan |
| 25. Rolpa | 26. Salyan | 27. Rukum |
| 28. Dolpa | 29. Jajarkot | 30. Dailekh |
| 31. Jumla | 32. Mugu | 33. Kalikot |
| 34. Humla | 35. Bajura | 36. Achham |
| 37. Doti | 38. Bajhang | 39. Dadeldhura |