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~~[TO BE INTRODUCED IN THE SENATE]~~

A

Bill

*to provide for the safety and standards of food and for establishment of the  
Islamabad Pure Food Authority*

**WHEREAS** it is expedient to provide for the safety and standards of food and to establish the Islamabad Pure Food Authority so that to protect health of the people and for matters connected therewith and ancillary thereto;

It is enacted as follows:-

**CHAPTER I  
PRELIMINARY**

**1. Short title, extent and commencement.**— (1) This Act may be called the Islamabad Pure Food Authority Act, 2019.

(2) It extends to the Islamabad Capital Territory.

(3) It shall come into force at once.

**2. Definitions.**— In this Act, unless there is anything repugnant in the subject or context,—

(a) "adulterated food" means the food,—

(i) which is not of the nature, substance or quality which it purports or is represented to be; or

(ii) which contains any such extraneous substance as may adversely affect the nature, substance or quality of the food; or

(iii) which is processed, mixed, coloured, powdered or coated with any other substance in contravention of the rules or the regulations; or

(iv) any constituent of which has been wholly or in part abstracted so as to affect injuriously its nature, substance or quality; or

(v) which contains any poisonous or other ingredient that may render it injurious to human health; or

(vi) the quality or purity of which does not conform to the prescribed standards; or

(vii) which has been prepared, packed or kept under unhygienic and insanitary conditions; or

(viii) which is contaminated or has become injurious to health;

- (b) "advertisement" means any publicity, representation or pronouncement made by any means for purposes of promoting the sale or disposal of any food;
  - (c) "Chairperson" means the Chairperson of the Food Authority;
  - (d) "consumer" means a person who receives food against a consideration or otherwise and includes an end user of the food;
  - (e) "Director General" means Director General of the Food Authority;
  - (f) "food" means anything used as food or drink for human consumption other than drugs, and includes,-
    - (i) any substance which is intended for use in the preparation of food;
    - (ii) any flavouring agent or condiment;
    - (iii) any colouring matter intended for use in food;
    - (iv) chewing gum, confectionary and other products of like nature;
    - (v) water in any form including ice, intended for human consumption or for use in the composition or preparation of food; and
    - (vi) any other thing prescribed as food;
- Explanation-I.**— A thing shall not cease to be food by reason that it is also capable of being used as drugs.
- Explanation-II.**— In this clause, the word "drugs" has the same meaning as is assigned to it in the Drugs Act 1976 (XXXI of 1976).
- (g) "food additive" includes any substance not normally consumed as food by itself or used as a typical ingredient of food but the addition of which to food affects the characteristics of the food;
  - (h) "Food Authority" means the Islamabad Pure Food Authority established under the Act;
  - (i) "food business" means any undertaking, whether or not for profit, carrying out any of the activities related to any stage of manufacturing, processing, packaging, storage, transportation, distribution of food, import, export and includes food services, catering services, sale of food or food ingredients;

- (j) "food laboratory" means any food laboratory or institute established or recognized by the Food Authority;
- (k) "food operator" means a person who manufactures for sale, transports, stores, sells, distributes, imports or exports food;
- (l) "Food Safety Officer" means a Food Safety Officer appointed under the Act;
- (m) "Government" means the Federal Government;
- (n) "import" means bringing into the Islamabad Capital Territory any article of food by any means including land, river, canal or air;
- (o) "label" includes any tag, brand, mark, pictorial or other descriptive matter, written, printed, stenciled, marked, painted, embossed or impressed on, or attached to or included in, belonging to, or accompanying any food;
- (p) "licence" means a licence granted under the Act or the rules or the regulations;
- (q) "member" means a member of the Food Authority;
- (r) "misbranded food" means the food,-
  - (i) which is an imitation of or resembles another food, in a manner that it is likely to deceive the consumer; or
  - (ii) which is so coloured, flavoured, coated, powdered or polished as to conceal the true nature of the food; or
  - (iii) which is contained in any package which, or the label of which, bears any statement, design or device regarding the ingredients or the substances contained in the food, that is false or misleading;
- (s) "package" includes anything in which food is wholly or partly cased, covered, contained, placed or otherwise packed in any manner and any such other receptacle of any kind whether opened or closed;

- (t) "premises" include any shop, stall, hotel, restaurant, airline services, canteens, place, vehicle, building or tent or any other structure and any adjoining land used in connection with it and any vehicle, conveyance, vessel or aircraft where any food is sold or manufactured or stored for sale;
- (u) "prescribed" means prescribed by the rules or the regulations;
- (v) "public analyst" means a public analyst appointed under the Act;
- (w) "regulations" means regulations made under this Act;
- (x) "rules" means rules made under this Act;
- (y) "safe food" means an article of food which is not unsafe;
- (z) "Scientific Panel" means the Scientific Panel constituted under the Act;
- (za) "standard", in relation to any article of food, means the prescribed standard and includes the standard notified by the Food Authority; and
- (zb) "unsafe food" means the food whose nature, substance or quality is so affected by any means as to render it injurious to human health.

## **CHAPTER II ESTABLISHMENT OF FOOD AUTHORITY**

**3. Establishment of the Food Authority.**— (1) The Government may, by notification in the official Gazette, establish the Islamabad Food Authority for purposes of this Act.

(2) The Food Authority shall be a body corporate, having perpetual succession and a common seal, with power to enter into contract, acquire or dispose of property, and may, by its name, sue or be sued.

**4. Composition of the Food Authority.**— (1) The Food Authority shall consist of a Chairperson and the following members,—

- (a) the Secretary Ministry concerned with the subject matter;
- (b) the Secretary Ministry of National Food Security and Research;
- (c) the Secretary Ministry of National Health Services, Regulations and Coordination;

- (d) the Secretary Ministry of Science and Technology;
  - (e) two members of the Senate of Pakistan to be nominated by the Chairman Senate;
  - (f) two members of the National Assembly of Pakistan to be nominated by the Speaker National Assembly;
  - (g) the Chief Commissioner, Islamabad Capital Territory;
  - (h) two food technologists or scientists to be nominated by the Government;
  - (i) one representative of the Chambers of Commerce and Industry;
  - (j) one representative of Food Industry;
  - (k) one representative of food operators; and
  - (l) two representatives of consumers.
- (2) The Government shall, in the prescribed manner, appoint a person who possesses the prescribed qualification and experience as Chairperson.
- (3) The Government shall appoint the non-official members on the recommendation of a committee consisting of the following members, namely:-
- (a) the Secretary Ministry concerned with the subject matter;  
(Convener);
  - (b) the Secretary Ministry of National Food Security and Research; and
  - (c) the Chief Commissioner, Islamabad Capital Territory.
- (4) The Food Authority may, with the prior approval of the Government, co-opt any other person as a member.
- (5) The Chairperson and members, other than *ex-officio* members, shall be appointed in such manner as to ensure the highest standards of professional competence and experience and gender balance.

(6) A meeting of the Food Authority shall be held in the manner provided by the regulations, and until so provided, as may be determined by the Food Authority.

(7) The Secretary of the Food Authority shall, on the direction of the Chairperson, call a meeting of the Food Authority.

(8) The Food Authority shall meet at least thrice in a year.

(9) The Chairperson, and in his absence, any other member elected by the members present at a meeting, shall preside at a meeting of the Food Authority.

(10) The quorum for a meeting shall be one third of the total members, the fraction being counted as one.

**5. Terms and conditions of Chairperson and members.** - (1) The Chairperson and the members, other than *ex-officio* members, shall hold office for a term of three years and shall be eligible for re-appointment.

(2) A person shall not be appointed as Chairperson or a member, other than *ex-officio* member, for more than two terms, whether consecutive or otherwise.

(3) The Government shall prescribe the salary and allowances payable to, and the other terms and conditions of service of the Chairperson.

(4) The Chairperson or a member, other than an *ex-officio* member, may resign from his office by serving one month's notice in writing to the Government.

**6. Removal of Chairperson and members.**- (1) The Government may remove from office, the Chairperson or a member, other than an *ex-officio* member, if he,-

- (a) has been adjudged an undischarged insolvent; or
- (b) has been convicted of an offence which involves moral turpitude; or
- (c) has become physically or mentally incapable of acting as the Chairperson or the member; or



- (d) has abused his position and rendered his continuance in the office prejudicial to public interest.

(2) The Chairperson or a member shall not be removed from office except after affording him a reasonable opportunity of being heard.

**7. Powers and functions of the Food Authority.**— (1) The Food Authority shall regulate and monitor the food business in order to ensure provision of safe food.

(2) Without prejudice to the provisions of sub-section (1), the Food Authority may,—

- (a) formulate standards, procedures, processes and guidelines in relation to any aspect of food including food business, food labelling, food additive, and specify appropriate enforcement systems;
- (b) specify procedures and guidelines for setting up and accreditation of food laboratories;
- (c) formulate method of sampling, analysis of samples and reporting of results;
- (d) specify licensing, prohibition orders, recall procedures, improvement notices or prosecution;
- (e) determine terms and conditions of service of its employees;
- (f) provide scientific advice and technical support to the Government in matters relating to food;
- (g) collect and analyze relevant scientific and technical data relating to food;
- (h) establish a system of network of food operators and consumers to facilitate food safety and quality control;
- (i) organize training programmes in food safety and standards;
- (j) promote general awareness as to food safety and standards;

- (k) levy fee for registration, licensing and other services;
- (l) certify food for export;
- (m) perform any other prescribed function; and
- (n) do any other thing which is necessary for the discharge of its functions under this Act.

(3) The Food Authority shall exercise its functions, as far as possible, in accordance with the well established scientific principles and international best practices.

**8. Proceedings of the Food Authority.**— No act or proceedings of the Food Authority shall be questioned or invalidated merely on the ground of existence of any vacancy or defect in the constitution of the Food Authority.

**9. Scientific panel.**— (1) The Food Authority may establish one or more Scientific Panels, which shall consist of the following,—

- (a) Director General of the Food Authority (Convener);
- (b) a representative, having background of food science or technology, of an organization established for determining standards and quality of food;
- (c) a representative, having background of food science or technology, of an organization established for scientific or industrial research on food;
- (d) a food technologist or scientist;
- (e) a medical practitioner registered with Pakistan Medical and Dental Council; and
- (f) three representatives of the food manufacturers in the relevant field.

(2) A Scientific Panel may co-opt any other member from the relevant industry.



(3) The Food Authority shall determine the terms and conditions, including tenure of members of a Scientific Panel other than *ex-officio* members.

(4) The Food Authority may refer any matter relating to food to the Scientific Panel for recommendation.

(5) The Scientific Panel may, after due deliberations with the relevant industry and consumer representatives, make recommendations to the Food Authority on standards, products, procedures, processes and guidelines in relation to any technical aspect of the food.

(6) If the Food Authority does not agree to the recommendations of the Scientific Panel, it may, with reasons, refer the case back to the Scientific Panel for reconsideration.

(7) The Scientific Panel shall reconsider the reference and forward its reconsidered recommendations and the Food Authority shall act accordingly.

**10. Director General.**— (1) The Government may appoint a Director General in such manner and on such term and conditions as it may prescribe.

(2) The Director General shall hold office during the pleasure of the Food Authority.

(3) The Director General shall be the Secretary of the Food Authority.

(4) The Director General, subject to the control of the Food Authority, shall be responsible for accomplishing the objectives of this Act and for efficient implementation of the Act, the rules and the regulations.

(5) The Director General shall exercise such powers as are mentioned in the Act or as may be prescribed or delegated to him.

(6) The Director General may exercise powers of a Food Safety Officer under the Act.

**11. Public analysts.**— (1) The Food Authority may, by notification, appoint public analysts for the Islamabad Capital Territory.

(2) A public analyst shall possess such qualifications as may be prescribed.

(3) The production in a trial of a certificate under the hand of a public analyst shall, until the contrary is proved, be sufficient proof of the facts contained in the certificate.

(4) The Court may, of its own accord or on the request of the accused, cause any food or sample of food to be sent for analysis to the public analyst.

(5) Unless otherwise directed by the Court, the accused, on whose request any food or sample of food is sent to the public analyst, shall bear its cost.

**12. Food Safety Officer.**— (1) The Food Authority may, by notification, appoint Food Safety Officers for the Islamabad Capital Territory.

(2) A Food Safety Officer shall possess such qualifications as may be prescribed.

(3) Notwithstanding anything in sub-section (2), the Food Authority, in public interest, may confer the powers of a Food Safety Officer on a Government servant.

**13. Powers of Food Safety Officer.**— (1) A Food Safety Officer may,—

- (a) take sample of any food or any substance, which appears to him to be intended for sale, or has been sold as food;
- (b) seize any food, apparatus or utensil which appears to the Food Safety Officer to be in contravention of this Act, the rules or the regulations;
- (c) enter or seal any premises where he believes any food is prepared, preserved, packaged, stored, conveyed, distributed or sold, examine any such food and examine anything that he believes is used, or capable of being used for such preparation, preservation, packaging, storing, conveying, distribution or sale;
- (d) open and examine any package which, he believes, to contain any food;

- (e) examine any book or documents with respect to any food and make copies of or take extracts from the book or document;
- (f) demand the production of the identity card, the business registration certificate, licence or any other relevant document from a food operator;
- (g) mark, seal or otherwise secure, weigh, count or measure any food or appliance; and
- (h) search and seize any vehicle carrying food.

(2) A Food Safety Officer shall prepare a statement describing the food, apparatus, utensil or vehicle seized and shall deliver a copy of the statement to the person from whom it is seized or, if such person is not present, send such copy to him by mail.

(3) A person claiming back anything seized under sub-section (1) may, within seven days of the seizure, apply to the Court and the Court may confirm such seizure, wholly or in part, or may order that it be restored to the claimant.

(4) If the Court confirms the seizure of the food, apparatus or utensil, it shall be forfeited to the Food Authority or the Court may direct that such food, apparatus, utensil may be destroyed at the cost of the owner or person in whose possession it was found.

(5) If an application is not made within seven days under sub-section (3), the food, apparatus or utensil seized, shall be forfeited to the Food Authority.

(6) Any person may make an application in writing to the Food Safety Officer asking him to purchase a sample of any food from a food operator and get it analyzed from the public analyst.

**14. Other employees of the Food Authority.**— The Food Authority may determine the number, categories, rank and terms and conditions of other employees of the Food Authority.

