

NOTIFICATION.

Dated Quetta, the 07th December, 2021.

No.PAB/Legis:V(26)/2021/178 The Balochistan Food Fortification Bill, 2021 (Bill No.26 of 2021), having been passed by the Provincial Assembly of Balochistan on 27th November, 2021 and assented to by the Governor Balochistan, on 06th December, 2021 is hereby published as an Act of the Balochistan Provincial Assembly.

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9/12/21

THE BALOCHISTAN FOOD FORTIFICATION ACT, 2021.
ACT No. XXVII of 2021.

AN
ACT

to address and alleviate nutritional deficiencies through food fortification.

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Preamble.

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Whereas the people of Balochistan especially women and children are suffering from severe micronutrients malnutrition which is adversely affecting their health, ability to work and study; mandatory fortification of wheat flour, ghee, edible oil, edible salt and other staple food is necessary to address and alleviate nutritional deficiencies; to promote the nutritional status and health of residents of the Balochistan Province; and to provide for the matters connected thereto.

It is hereby enacted as follows:

CHAPTER - I
PRELIMINARY

**Short title,
extent
and
commencement.**

- (1) This Act may be called the Balochistan Food Fortification Act 2021.
- (2) It extends to whole of Balochistan.
- (3) It shall come into force at once.

Applicability.

- (1) This Act applies to wheat flour, ghee, edible oil, edible salt or other food included in the Schedule imported, manufactured, commercially used, distributed, traded or sold for human consumption in Balochistan and includes any such food manufactured in Balochistan for export or consumption outside Balochistan.

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(2) The micronutrients in the premix for food and standard of fortification of food is mentioned against the food in the Schedule, and addition of a micronutrient under this Act shall not be considered as additive.

Definitions.

3. (1) In this Act, unless there is anything repugnant in the subject or context:-

- (a) “Act” means the Balochistan Food Fortification Act, 2021;
- (b) “consumer” means an end user of food and includes a person who purchased the food for consumption;
- (c) “Court” means a Court of magistrate first class as mentioned in section 26 of the Act;
- (d) “food” means wheat flour, atta, maida, suji, fine atta, vanaspati ghee, edible oil, edible salt or other food included in the Schedule;
- (e) “Food Authority” means the Balochistan Food Authority established under the Balochistan Food Authority Act, 2014 (VI of 2014);
- (f) “food safety officer” means a food safety officer appointed under section 12(1) of the Balochistan Food Authority Act, 2014 (VI of 2014);
- (g) “fortify” or “fortification” means mixing of micronutrient in form of premix with food according to the scale contained in the Schedule;
- (h) “Government” means the Government of Balochistan;
- (i) “importer” means a person who imports large-scale food into Balochistan for commercial purposes;
- (j) “large-scale” means the minimum quantity of single import or possession for use of food mentioned in the Schedule;
- (k) “manufacturer” means a person who is owner or occupant of a wheat flour mill, chakki, ghee mill, edible oil mill, crushing or packing unit of edible salt or any other production unit of a food;

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- (l) "premix" micronutrient premix additives mentioned in the Schedule;
 - (m) "prescribed" means the rules or regulations prescribed under this Act;
 - (n) "Public Analyst" means a Public Analyst appointed under section 10 of the Balochistan Food Authority Act, 2014 (VI of 2014);
 - (o) "regulations" mean the regulations framed under section 38 of this Act;
 - (p) "rules" mean the rules framed under section 37 of this Act;
and
 - (q) "Schedule" means the Schedule appended to the Act.

(2) An expression used in this Act but not defined shall mean the same as in the Balochistan Food Authority Act, 2014 (VI of 2014).

CHAPTER - II

FOOD FORTIFICATION

Food fortification.

4. (1) An importer or a manufacture of food shall fortify the food under the Schedule at the time of import or manufacturer before trading the food.

(2) A commercial user of food shall use food fortified under the Schedule for manufacturing of any product of the food.

(3) If a wholesaler or retailer of food stores or sells unpacked food, packed food without label or food without proper purchase invoice, the wholesaler or retailer shall be responsible for fortification in the same manner as the importer or manufacturer is responsible under this section.

Warranty.

5. (1) In addition to warranty on the label of a packed or unpacked food, an importer, a manufacturer, commercial user, wholesaler or retailer of food warrants to the purchaser or consumer that the food conforms to the legal requirements of fortification as specified:

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(2) Nothing in this section shall make a wholesaler or retailer liable if the wholesaler or retailer purchased and sold the packed food in the same pack as received from the importer or manufacturer with proper invoice and exercised due care in storage and transportation of the food.

Registration.

6. (1) A person shall not manufacture or import food for trade, unless registered with the Food Authority.

(2) The manufacturer or importer of food shall undertake to fortify food as specified in the Schedule and provide access and information, from time to time, required by the Food Authority.

Quality Assurance.

7. (1) A manufacturer, large-scale commercial user or an importer shall conduct routine internal checks, rapid tests and analyses to ensure that the food is manufactured, packaged, labeled, stored, transported and maintained in accordance with the requirements contained in the Schedule.

(2) The Food Authority shall specify quality assurance requirements, procedures, and maintenance of record and provision of periodic information to the Food Authority.

Packaging.

8. (1) The Food Authority shall specify packaging requirement for a food to preserve the composition, quality and purity of food, fortification and to minimize dissipation of its nutritive properties from climatic and other conditions.

(2) The Food Authority may prohibit storage or sale of an unpacked food.

(3) An importer, a manufacturer, commercial user, wholesaler or retailer of food shall comply with the specifications and direction of the Food Authority issued under this section.

Labeling.

9. (1) An importer or a manufacturer shall label the pack of food providing minimum essential information about food specified by the Food Authority.

CHAPTER - III

INSPECTION AND INVESTIGATION

Inspections and investigations.

13. (1) A food safety officer may inspect and investigate any place or site where food is manufactured, stored, sold, transported, distributed or located.

(2) A food safety officer may observe production process of food, examine and copy records of an importer, manufacturer, commercial consumer, wholesaler or retailer of food and may take samples of food, analyze them or have them analyzed.

(3) The Food Authority may confer the powers of food safety officers upon the officer(s) of the Government as deem appropriate in the interest of public service.

Power to stop, search and seize.

14. (1) A food safety officer may stop and search any vehicle being used for transportation of food.

(2) If the food is not fortified or being transported in contravention of this Act, rules or regulations, the food safety officer may seize the food and impound the vehicle on which the food is being transported.

(3) If the food manufactured, stored or displayed is not fortified, the food safety officer may seize the food and seal the premises for a period which may extend to seven days.

Duty to assist.

15. An importer, a manufacturer, commercial user, wholesaler or retailer of food or any person acting on their behalf shall cooperate with a food safety officer in search, inspection or investigation and shall provide true, accurate and complete information requested by a food safety officer.

Transparency in exercise of powers.

16. (1) The Food Authority shall ensure that a food safety officer shall not transgress to the powers conferred under this Act, rules or regulations.

(2) The Food Authority may:

- (a) issue guidelines or regulations for selection of premises or vehicle used for manufacturing, storage or transportation of food;

- (b) constitute teams of food safety officers for exercising of powers under this Act, rules or regulations; and
- (c) make mandatory electronic recoding of an inspection, search, taking of samples, seizure of food or vehicle and sealing of a premises.

CHAPTER - IV

SAMPLING AND LABORATORIES

Sampling of food.

17. A food safety officer may, in the prescribed manner, obtain samples of food from the premises of an importer, a manufacturer, commercial user, wholesaler or retailer of food or from a transportation vehicle used by any one of them in a sealed manner for lab analysis and provide to Public Analyst.

Laboratories.

18. (1) The Food Authority may establish or recognize a food laboratory(ies) for the purposes of carrying out analysis of samples of any food or food related equipment.

(2) The Food Authority may make procedures for the laboratory's operation, including guidelines for sample collection, lab analysis, preservation of evidence, and quality assurance.

(3) A laboratory shall conduct analysis of a sample received from Public Analyst and convey the report to Food Authority;

(4) If integrity or sanctity of a sample is compromised due to any cause including afflux of time, a laboratory may refuse to conduct analysis of the sample by specifying reasons in writing.

(5) The Food Authority shall issue a schedule of fee for analysis and report of a sample or equipment in a laboratory.

Mobile and reference laboratories.

19. (1) The Food Authority may establish mobile laboratories for immediate analysis and reporting on food samples.

**Report of a
Laboratory.**

(2) The Government, Food Authority or a Court may send a food sample already analyzed by a laboratory to a laboratory notified by the Government as a reference laboratory.

20. (1) The Food Authority or a Court shall consider report of a laboratory as an expert opinion based on the analysis of a food sample or any food related equipment.

(2) The report of a laboratory shall contain method and mode of analyses and lead expert who conducted the analyses of the sample or food equipment.

(3) In case of different opinion between a laboratory and a reference laboratory, the Food Authority or a Court shall accept the expert opinion of the reference laboratory.

CHAPTER - V

PENALTIES AND PROCEDURES

**Improvement
and recall order.**

21. (1) If analysis of a food sample proves that the food is sufficiently not fortified in accordance with the Schedule, a food safety officer shall serve an improvement notice on the person responsible for fortification directing him to immediately remove the deficiency otherwise penal action under the Act will be initiated against him.

(2) If the food of a manufacturer or large-scale importer is not fortified in accordance with the Schedule, the Food Authority may direct the manufacturer or importer to immediately withdraw or recall the food from the market.

Penalties.

22. (1) If a person commits violation of a provision of this Act, the Food Authority may:

- (a) impose fine upon the person which may extend to five hundred thousand rupees;
- (b) suspend or revoke registration and license of the food operator.

- (c) direct sealing of a premises for a period specified under the Act;
- (d) direct publicity of the violation for information of general public or a section of public or members of an association specifically naming the violator;
- (e) direct the person to cease production, processing or import of food without registration under the Act; and
- (f) direct reprocessing, reconditioning, or the seizure and discarding of food does not conform standards as defined in the Act.

(2) The Food Authority may not impose any penalty upon a person unless an improvement notice was issued to the person from the date of taking cognizance of the matter by the Authority.

(3) The Food Authority shall make regulations to ensure fair procedure based on the principles of natural justice for a decision under this section.

**Grievance
against
food safety
officer.**

23. (1) If a person is aggrieved from any action of a food safety officer under this Act, the person may within thirty days of the action or communication of the action file an application before the Director General.

(2) The Director General may, on an application or on his own accord, set aside, modify or confirm the action of a food safety officer.

Offences.

24. (1) If a person required to be registered under this Act fails to apply for registration within the time specified by the Authority, the person shall be liable to imprisonment which may extend to ninety days or fine which may extend to one million rupees or both.

(2) If a person willfully or negligently fails to fortify food or obstructs a food safety officer or fails to comply with the decision of the Food Authority, the person shall be liable to imprisonment which may extend to one hundred and eighty days or fine which may extend to two million rupees or both.

Alternative Penalties.

(3) If the Food Authority has already imposed a civil penalty upon a person for an act which is also an offence under this section, that person shall not be liable to be proceeded against under this section for the same act.

25. (1) If a person is found guilty of an offence under this Act, the Court may direct the convict do one or more of the following in lieu of sentence prescribed in section 24:-

- (a) take any action the Court considers appropriate to remedy or avoid the hazard caused by the commission of the offence;
- (b) pay a person an amount of money as compensation, in whole or in part, for the cost of a remedial or preventive action taken by or on behalf of the convict as a result of the commission of the offence;
- (c) perform community service for a period of up to two years;
- (d) not do any act or engage in any activity that may, in the opinion of the Court, result in the continuation or repetition of the offence or the commission of a similar offence under this Act;
- (e) comply with any conditions that the Court considers appropriate for preventing the offence, from continuing or repeating the offence or committing a similar offence under this Act; or
- (f) submit to the Authority or an authorized officer of the Authority information respecting his activities or activities of any person acting on his behalf that the Court considers appropriate in the circumstances, for a period of up to two years.

(2) For the purposes of subsection (1), the Court may require the convict to submit:

- (a) a bond for an amount the Court considers appropriate for the purpose of ensuring compliance with a prohibition, direction or requirement under this section; and

- (b) to inspections, submit samples or analysis, or do any other thing necessary to permit a food safety officer to monitor compliance, for a period of up to two years, with an order made under this section.

(3) The measures in this section shall be in addition to the requirements under other provisions of this Act.

Cognizance, trial and appeal.

26. (1) The Court of Magistrate first class having jurisdiction to trial offences under Balochistan Food Authority Act 2014, shall take cognizance of an offence under this Act and conduct the trial of the offence in accordance with the provisions of the Balochistan Food Authority Act 2014 (VI of 2014).

(2) A convict or the Food Authority may, within thirty (30) days of the judgment of the Court of Magistrate under this Act, file an appeal before the Court of Sessions.

Defenses.

27. (1) A person shall not be liable for any penalty under this Act who:

- (a) purchased the food in packed form from another under a written warranty for sale in the same form and has complied with the law relating to transportation, storage or display of food;
- (b) handled the food in compliance with all the legal requirements;
- (c) sold, traded or distributed the food in the same condition or packing it was in at the time of its purchase or reconditioned it to meet the legal requirements;
- (d) could not have discovered, through the exercise of reasonable diligence, that the food did not conform to the legal requirements; or
- (e) is charged with act of non-fortification prove non-availability of the premix in the market at the time of commission of the act.

Liability in case of body corporate.

(2) If an action is initiated against a person under this Act, that person shall allege and prove the defense under this section.

28. (1) Where an offence under this Act has been committed by a Company or a body corporate, every person who at the time of commission of offence was in charge of, and was responsible to the institution for the conduct of its activities, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished.

(2) Nothing contained in this section shall render any such person liable to any punishment provided in this Act if it is proved that the offence was committed without the person's knowledge or that such person exercised all due care to prevent the commission of such offence.

(3) The Food Authority may impose civil penalty on a Company or body corporate and a purchaser or consumer may file complaint against a Company or body corporate in exercise of private right of action under this Act.

CHAPTER - VI MISCELLANEOUS

Recovery of dues.

29. (1) The Food Authority may authorize an officer to recover the fine, fee or any other amount, imposed or levied under this Act, the rules or regulations, as an arrears of land revenue and, for this purpose, the authorized officer may exercise the powers of Collector under the Balochistan Land Revenue Act 1967 (XVII of 1967).

(2) The fee charged under this Act, the rules or regulations shall be deposited in the Food Authority Fund.

Appellate Authority.

30. (1) A person aggrieved from a final order or direction, of the Food Authority may, within fifteen (15) days from the date of communication of the order or direction, file an appeal before the Secretary to the Government, Food Department as the appellate authority whose decision on such appeal shall be final.

(2) The appellate authority shall decide the appeal within ninety (90) days from the date of filing of the appeal and shall provide an opportunity of hearing to the appellant and the Food Authority before deciding the appeal.

Provincial nutrition survey.

31. (1) The Government may conduct a provincial nutrition survey of status of specific micronutrients amongst residents of Balochistan after every five years through Health Department.

(2) The provincial nutrition survey shall be based on proper sampling system including entire province, geographical units and urban rural divides within geographical units.

(3) The Government shall analyze the report of the provincial nutrition survey and identify causes of micronutrient deficiency in any area or section of public.

(4) The Government may conduct the first provincial nutrition survey within five years from the commencement of this Act.

Monitoring and Evaluation.

32. (1) The Government shall prescribe key performance indicators for the Food Authority to assess the status of fortification.

(2) Based on the key performance indicators, the Government may conduct or cause to be conducted annual monitoring and evaluation of the Food Authority to provide information on efficacy of this Act in bringing the change in the behaviors it prescribed and its anticipated impact.

(3) The Food Authority shall provide full access to the monitoring and evaluation agency to its records relating to this Act and personnel working on implementation of the Act and the monitoring and evaluation agency shall collect relevant data or information, evaluation of the data or information and submit monitoring and evaluation report to the Government.

(4) The Government shall obtain views of the Food Authority on the monitoring and evaluation report.

- Annual Report.** 33. (1) The Food Authority shall, within three months of the close of a financial year, submit to the Government an annual report on implementation of each aspect of fortification including registration, status compliance, instances of violations, enforcement actions, number of samples obtained at manufacturing and sale point level, laboratory reports of food samples, civil penalties and convictions, and reasons for non-compliance.
- (2) The Government shall, within two months of receiving the report from the Food Authority, give notice for laying the report in the Provincial Assembly of the Balochistan, and shall lay the report in the first available session of the Assembly.
- Immunity.** 34. No suit, prosecution or any other legal proceedings shall lie against the Government, Food Authority, food safety officer or any other person acting or purporting to act under this Act, in respect of anything done or intended to be done in good faith under the Act.
- Bar of jurisdiction.** 35. Subject to this Act, a Court shall not entertain a suit or an application for anything done, about to be done or purported to have been done under the Act.
- Amendment of the Schedule.** 36. The Government may, by notification in the official Gazette, amend the Schedule through addition, deletion or substitution of an entry in the Schedule.
- Rules.** 37. The Government may, by notification in the official Gazette, make rules to carry out the purpose of this Act.
- Regulations.** 38. (1) The Food Authority may, by notification in the official Gazette and publication on its website, frame regulations to give effect to this Act.
- (2) In case of conflict between rules and regulations, the rules shall prevail over regulations.
- (3) The regulations may include provisions for the following:
- (a) methods of manufacturing, packaging, storing, transporting and distributing food:

- (b) labeling and advertising of food;
- (c) quality assurance including record-keeping requirements for food;
- (d) procedures for inspections, investigation, sampling and testing of food;
- (e) enforcement including legal proceedings under this Act; and
- (f) any other matter necessary for the efficient and effective administration and implementation of this Act.

Act to override other laws.

39. (1) In case of any inconsistency or conflict with any other law, the provisions of this Act shall prevail to the extent of the inconsistency or conflict.

(2) Where no provision or no sufficient provision exists under this Act, rules or regulations, a food safety officer or the Food Authority may apply the provisions of the Balochistan Food Authority Act, 2014 (VI of 2014), rules and regulations made under the Balochistan Food Authority Act, 2014.

SCHEDULE

Food, Micronutrients required to be Mixed, Quantity of Micronutrients Premix and Large-Scale Quantity
[See sections 2, 3, 4, 5, 6, 7 and 36]

| S# | Food | Micronutrient to be added | Quantity of the Micronutrient | | Source of Micronutrient and Activity | Large-Scale (Minimum Quantity) |
|----|---|---------------------------|---------------------------------------|--------------|--|--------------------------------|
| | | | Minimum | Maximum | | |
| 1. | Wheat Flour, Atta, Maida, Suji, Fine Atta | Iron | 15 mg/kg | 45 mg/kg | NaFeEDTA minimum activity 12.5% with free iron less than 0.05%. | 1000 kg |
| | | Folic Acid | 1 mg/kg | 3 mg/kg | minimum activity 90.5% | |
| | | Zinc | 30 mg/kg | 90 mg/kg | Zinc Oxide minimum activity 80% | |
| | | Vitamin B ₁₂ | 0.008 mg/kg | 0.024 mg/kg | Cyanocobalamin | |
| 2. | Vanaspati Ghee or Edible Oil | Vitamin A | 33,000 iu/kg | 45,000 iu/kg | Retinol | 1000 kg |
| | | Vitamin D ₃ | 3,000 iu/kg | 4,500 iu/kg | Cholecalciferol | |
| 3. | Edible Salt | Iodine | 30 mg/kg (20mg/kg at market level) | 50 mg/kg | Potassium Iodate (KIO ₃) | 500 kg |

(TAHIR SHAH KAKAR)
Secretary.

No.PAB/Legis:V(26)/2021.

Dated Quetta, the 07th December, 2021.

A copy is forwarded to the Chief Controller, Government Printing Press, Balochistan, Quetta for favour of publication in the next issue of Balochistan gazette. Before final printing a copy thereof be sent to this Secretariat for proof reading. After proof reading fifty copies of the said Act may please be provided to this Secretariat for record.

/
(ABDUL REHMAN)
Special Secretary (Legis:)

No.PAB/Legis:V(26)/2021.

Dated Quetta, the 07th December, 2021.

A copy is forwarded for information to:-

1. The Principal Secretary to Governor Balochistan, Quetta.
2. The Principal Secretary to Chief Minister Balochistan, Quetta.
3. ✓ The Secretary, Government of Balochistan, Food Department, Quetta.
4. The Secretary, Government of Balochistan, Law and Parliamentary Affairs Department, Quetta.
5. The Director General, Public Relations, Balochistan, Quetta.
6. The System Analyst, Balochistan Provincial Assembly.

✓
07/12/21
(ABDUL REHMAN)
Special Secretary (Legis:)