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PART I

Acts, Ordinances, President's Orders and Regulations

GOVERNMENT OF GILGIT-BALTISTAN

GILGIT-BALTISTAN SECRETARIAT

(Law and Prosecution Department)

Gilgit, the 5th April, 2011

IODINE DEFICIENCY DISORDERS (IDD) CONTROL ACT, 2011

(ACT No. II OF 2011)

AN

ACT

*to save the people in Gilgit-Baltistan from iodine deficiency disorders
through the compulsory iodization of all salt intended for human or
animal consumption*

No. Secy-Law (Legis)-1/2008.—WHEREAS thousands of people in Gilgit-Baltistan are suffering from iodine deficiency disorders (IDD) which prevents them from reaching their full physical and intellectual potential, and is having a devastating

(173)

Price : Rs. 10.50

effect on the productivity of the population, and of livestock, and on the development of economic and social potential of Gilgit-Baltistan;

AND WHEREAS IDD can be prevented and overwhelmed through the introduction of relevant enactment.

NOW, THEREFORE, it is hereby enacted as follows:

CHAPTER-I

PRELIMINARY

1. **Title, Extent and Commencement.**— (1) This Act may be called the IDD Control Act Gilgit-Baltistan, 2011.

(2) It extends to the whole of Gilgit-Baltistan.

(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 salt” means any kind of salt which:

- (i) is not of the nature, substance or quality that it purports or is represented to be;
- (ii) contains such extraneous substance as may adversely affect its nature, or quality, excluding the fortifying agents that have been added to it; or
- (iii) is processed, mixed, colored, powdered or coated with any other substance in contravention of the Act or the rules;
- (iv) has some or wholly its constituents abstracted so as to affect injuriously its nature, substance or quality;
- (v) contains any poisonous or other ingredient that may render it injurious to health; or
- (vi) does not conform to the prescribed standards in terms of its quality or purity;

- (vii) having been prepared, packed or kept under insanitary conditions, has been contaminated or become injurious to health;
- (viii) is an imitation of, or a substitute for, or resembles, in a manner likely to deceive, another variety of iodized salt, and is sold or is intended to be sold with the name under which such other article is sold;
- (b) "Board" means the National IDD Control Advisory Board established under the provisions of this Act;
- (c) "Distributor" means any person engaged in the business of marketing, whether wholesale or retail, and includes a person providing product public relations and information services;
- (d) "Government" means Government of Gilgit-Baltistan;
- (e) "Health worker" includes a medical practitioner, homeopath practitioner, hakim, nurse, pharmacist, nutritionist, hospital administrator LHW, LHS, FPO or employee, whether professional or not, whether paid or not, and any other person providing such services as the Federal Government may, by notification in the official Gazette, specify;
- (f) "IDD" means the Iodine Deficiency Disorder and as further defined in the rules;
- (g) "Iodized salt" means salt produced or marketed for human or animal consumption or both, to which potassium iodated has been added, in an amount that is prescribed from time to time by the Board through notification in the official Gazette. The Board shall be empowered under this Act to change, as considered necessary and in accordance with the standards established by the Codex Alimentarius Commission, and the Pakistan Standards and Quality Control Authority, these specifications through an official Gazette notification;
- (h) "label" means any tag, mark, pictorial or other descriptive matter which is written, printed, stenciled, marked, embossed, attached or otherwise appearing on a package or a container;
- (i) "logo" means a symbol authorized by the Board for use on the container, packaging, or label of specified salt, to signify its approval of these products, and to give them favorable status;

- (j) "Producer" means a person engaged or involved in the business of producing, processing, refining, formulating, filling, packing, repacking, and labeling any kind of salt, whether directly, through an agent, or a person controlled by or under an agreement;
- (k) "Marketing" means any method of introducing or selling any kind of salt, and includes, but not limited to, promotion, distribution, advertising, distribution of samples, product public relations and product information services;
- (l) "Misbranded salt" means an article of iodized salt which is:
 - (i) not correctly labeled to indicate its true character and thus not in accordance with this Act or the rules;
 - (ii) so colored, flavored, coated, powdered or polished so as to conceal its true nature;
 - (iii) contained in any package that, or the label of which, bears any statement, design, or logo regarding the ingredients or substances contained therein, which is false or misleading in any material manner, or if the package is otherwise deceptive with respect to its contents; or
 - (iv) not properly packed.
- (m) "Package" means any form of packaging of iodized salt for sale as a retail unit; and includes every article in which goods for carriage or for sale are packed, contained, covered, or enclosed;
- (n) "Person" means any individual, partnership, association, unincorporated organization, company; co-operative, corporation, trustee, agent or any group of persons;
- (o) "Premises" means any building, go down, or other structure, whether fixed, temporary, or mobile, together with the land on which it is situated and any adjoining land used in connection with it;
- (p) "Prescribed" means prescribed by rules;
- (q) "Provincial Committee" or "Committees" means the Gilgit Baltistan IDD Control Advisory Committees established under the provisions of this Act;

- (r) "Retail sale" means any sale to a person buying otherwise than for the purpose of re-sale;
- (s) "Salt" means a crystallized solid, white or pale pink in color, free from visible contamination with clay, grit and other extraneous impurities. It shall conform to the following standards, and the standards of Pakistan Standards and Quality Control Authority established under the provisions of the Pakistan Standards & Quality Control Authority Act 1996 (Act No VI of 1996), and as defined under the Pure Food Rules 1965, and as finally approved by the Board for purposes of this Act, and the rules, and shall include Iodized Salt:
- (i) Matter Insoluble in water w/w Not more than 1% percent.
 - (ii) Matter soluble in water, other than sodium chloride, w/w Not more than 3% percent
 - (iii) Sodium Chloride, w/w Not less than 98% percent
- (t) "Rules" means rules made under this Act.

CHAPTER-II

ADMINISTRATION

3. **Provincial IDD Control Committees.**— (1) The Gilgit-Baltistan Government shall, by notification in the official Gazette, constitute a Gilgit-Baltistan Iodine Deficiency Disorders (IDD) Control Committee.

(2) The Committee shall consist of a Chairman/Chairperson, a Secretary and such number of members as the Government may prescribe:

Provided that not less than half of the total number of members of the Committee shall comprise of such persons who are professionally qualified and experienced in the field of nutrition and issues associated with the IDD; and one member of the Committee shall be selected from the industry involved in the iodization of salt; and one member shall be selected on the basis of their adequately representing the interests of the consumers.

(3) Minister Health Gilgit-Baltistan shall be the Chairman of the committee.

(4) The Secretary Gilgit-Baltistan Health Department shall be the ex-officio member of the Committee.

(5) Provincial Government shall nominate the members of a Committee, who shall hold office for a term as may be prescribed by the Governments. Both the categories of members can be re-appointed.

(6) The Secretary of the Committee shall call the meetings at the direction of the Chairman/Chairperson, and maintain minutes of such meetings.

(7) A quorum of the Provincial Committee, shall be the majority of the total members of the body involved.

(8) Health Department in the Gilgit-Baltistan, shall give due consideration to all recommendations made by the Committee. Health Department shall specifically request the Board, or the Committee, to give its recommendations when matters involving salt, and iodized salt composition and standards, and policies, laws, rules or regulations are being considered by the relevant Government.

4. Powers and Functions of the Board and Provincial Committee.— The following shall be the powers and functions of the Board in the case of the whole country, and a Provincial Committee in the case of the Gilgit-Baltistan, namely:

- (a) To decide upon the composition, and other standards, based on international standards of the Codex Alimentarius Commission, and national standards of Pakistan Standards and Quality Control Authority, in respect of salt and iodized salt, including but not limited to, their nutritive properties, strength potency, purity, quality, safety, and hygiene, and to monitor and evaluate compliance of such standards within the respective jurisdiction of the Committee, as the case may be;
- (b) To make suitable arrangements with the cooperation and in consultation with the Gilgit Baltistan Government, about the accessibility of the potassium iodated to all the salt producers throughout the country at reasonable rates and in adequate quantities;
- (c) To establish standards for declaring iodized salt as adulterated and/ or misbranded;
- (d) To specify permissible and prohibited additives;
- (e) To establish licensing procedures and requirements, and to grant licenses to the producers, manufacturers, packers, and distributors of iodized salt;

- (f) To establish conditions and requirements for the production, manufacture, storage, transport, packaging, labeling, distribution, quality assurance, hygiene, import or export of iodized salt;
- (g) To advise the Provincial Governments in the preparation, review and modifications of national and provincial policies, rules and regulations, regarding IDD and iodization of salt, and other matters relating to iodization of salt, particularly through national or provincial education campaigns, and to generally organize health education campaigns in relation to the same issues for health workers and the general public;
- (h) To receive reports of violations of provisions of this Act or the rules;
- (i) To recommend investigation of cases against producers, or distributors found to be violating the provisions of this Act or the rules, and to formulate procedures and requirements for inspections and investigations, including sample taking and testing and analysis, of iodized salt samples;
- (j) To take steps to enforce the Act and/ or the Rules;
- (k) To plan for and co-ordinate the dissemination of informational and educational materials on the topic of IDD and iodization of salt, and on all other topics related to this Act;
- (l) To approve labels of iodized salt;
- (m) To promote effective coordination and evaluation among the various tiers of government, institutions and sectors, that are involved in the implementation and administration of this Act and its Rules;
- (n) To propose guidelines to the Federal Government or to a Provincial Government, as the case may be, in respect of matters specified in clause (a) above; or
- (o) To handle any other matter necessary or desirable for the efficient and effective administration and implementation of this Act.

5. Implementation and Monitoring.— (1) The Federal Government, may delegate any of the functions and powers the Gilgit-Baltistan Government, or the Provincial Committee, from time to time.

(2) The Federal Government may give such directions to Gilgit-Baltistan Government as may appear to it to be necessary for carrying into effect in a Province

any of the provisions of this Act or of the rules, or any order or direction made hereunder, or for achievement of uniformity in respect of any matter relating to this Act in different parts of Pakistan.

(3) Government of Gilgit-Baltistan may seek advice in the event of a conflict between the decisions or orders of the Federal Advisory Board and the Provincial Committee.

6. **Local Authorities to Enforce the Act.**— In accordance with the directions of the Provincial Government, it shall be the function of every Local Government Authority constituted under the Local Government Ordinance, to carry into execution and enforce the provisions of this Act within its jurisdiction with a view that all varieties of iodized salt conform to the standards contained in this Act.

CHAPTER-III

PROHIBITIONS

7. **Prohibited Practices.**— (1) No person shall, directly or indirectly, himself or through any other person, prepare, produce, refine, manufacture, import, or export, in any form whatsoever, any kind of salt:

- (a) without obtaining a license from the Committee which matter constituted under this act.
- (b) in contravention of the provisions of this Act, and the Rules.

(2) No person shall, directly or indirectly, himself or through any other person, refine, package, store, transport, display, distribute, deliver, promote, keep, trade, store for sale, sell or offer to sell, or distribute, in any form whatsoever, any salt other than iodized salt in contravention of the provisions of this Act, and the Rules.

(3) The provisions of sub-section (1) and sub-section (2) of section 7 shall not apply in respect of raw salt meant for purposes of manufacturing iodized salt or for use in industries other than food industry; and salt prepared and packaged for people with possible medical contraindications.

(4) If imported, iodized salt shall be satisfactorily reconditioned, relabeled, and repackaged and otherwise treated as necessary to cure any area of non-compliance with the prescribed standards and specifications. If not so treated or if attempts to do so fail, then iodized salt shall be forfeited by the Government and destroyed.

(5) No person shall, directly or indirectly, himself or through any other person, prepare, produce, manufacture, keep, store for sale, sell or offer to sell, import, or export, any:

- (a) adulterated iodized salt;
- (b) misbranded iodized salt;
- (c) iodized salt which has been prepared, manufactured, or imported without a license and/ or the conditions of such license are being contravened;
- (d) iodized salt in contravention of any other provision of this Act or the Rules.

(6) No person shall mix, color, stain or powder any salt, or direct or permit any other person to do the same in contravention of the provisions of this Act and the rules; or so as to render such salt injurious to health with intent that the same may be sold in that state. No person shall sell, offer, keep or store any salt so mixed, colored, stained or powdered.

(7) No person shall sell or offer to sell iodized salt except in packages. Each package shall be filled in the prescribed manner that protects and preserves its composition, quality, purity, hygiene and protects it from contaminating substances, and protects its nutritive properties from climatic and atmospheric conditions such as excessive heat, cold, moisture, and other situations that may cause diminution. The package shall bear the logo for purposes of identifying iodized salt, and other specifications mentioned under section 8 of this Act.

(8) No person shall in any manner assert that any misbranded salt is a substitute for iodized salt, or that it is equivalent to or comparable with iodized salt.

(9) No producer or distributor shall offer, or make gift or contributions of any kind, or pay to any extent for any reason whatsoever, or give any kind of benefit, to any member of the Board or a Committee, as the case may be, or their employees.

(10) No producer, distributor or any person engaged by them shall produce or distribute any educational or informational material regarding IDD or iodization of salt, and other matters relating to iodization of salt, unless it is approved by the Board if it is to be distributed nationally and it is in Urdu or English, or by a Provincial Committee if it is in a provincial language.

8. **Labels of Iodized Salt.**— (1) No iodized salt, if packaged, shall be marketed or sold in Pakistan unless its label is in accordance with the provisions of this Act and the Rules.

(2) Label of iodized salt shall be designed so as to encourage use of iodized salt and shall provide the necessary information in Urdu about the utility of use of such product and the conditions under which iodized salt should not be used.

(3) The label shall bear the logo which only iodized salt fortified in accordance with the requirements specified under this Act and the Rules shall be allowed to use signifying them as fortified.

(4) Every package shall have a clear, conspicuous and easily understood message printed on it, or on a label that cannot become separated from it, which shall be written in Urdu, and if so desired by the producers, in English as well.

(5) The label shall:

- (a) not contain anything that may encourage use of misbranded iodized salt or adulterated iodized salt;
- (b) contain a conspicuous notice in bold characters in the prescribed height stating the following, namely:

“IODIZED SALT HELPS IN PREVENTING IDD (IODINE DEFICIENCY DISORDERS)”;

- (c) add the words ‘Iodized Salt’ in addition to the trade name and shall contain the name, address and the license number of the producer and of wholesale distributor if iodized salt is an imported item;
- (d) indicate the ingredients, composition and analysis of iodized salt, its quantity and date of manufacture and expiry date, batch number, required storage conditions including a caution to store in a covered container in a cool dry place, and any warning that may be prescribed for the implementation of this Act in characters of the prescribed height in Urdu or regional languages; and
- (e) a warranty that iodized salt conforms to all legal requirements specified in this Act and its Rules, and to the specifications on its label.

(6) The label on any packaged substances which, if intended for human or animal consumption, would meet the definition of food but which instead are

intended for industrial or other non-consumption uses shall carry a conspicuous warning as prescribed that they are not intended or authorized for human or animal consumption.

CHAPTER-IV

QUALITY ASSURANCE

9. **Quality Assurance.**— (1) No salt shall be produced, manufactured, sold or otherwise distributed in Pakistan unless it is formulated industrially in accordance with the principles recommended by the applicable standards specified in this Act and the rules.

(2) In the case of iodized salt, it shall conform to the standards specified in the Codex Alimentarius Commission.

(3) Provincial Committee may require an Inspector or any other person interested with powers under this Act to test any salt sold in Pakistan in order to determine as to whether it has been produced in accordance with the provisions of this Act.

(4) Salt that does not meet the standards for use in the country of manufacture shall not be imported or sold in Pakistan.

(5) Iodized salt that has reached the expiry date shall not be marketed, sold or distributed.

CHAPTER-V

INFORMATIONAL AND EDUCATIONAL MATERIALS

10. **Informational and Educational Materials.**— (1) Any person producing or distributing any informational and educational materials referred to in this section shall submit copies thereof to the Board in the prescribed manner, unless it is in a provincial language in which case it shall be furnished to the concerned Provincial Committee.

(2) Information and educational materials, whether written, audio or visual, which refer to iodization of salt and IDD shall contain only correct information and shall not use any pictures, graphics or text that encourage use of misbranded salt or adulterated salt, or discourage use of non-iodized salt.

(3) The Gilgit-Baltistan Government shall, in consultation with the committee, arrange for the dissemination of objective and consistent information and educational materials on IDD and iodization of salt, excluding medical literature

and may, by notification in the official Gazette, publish such instructions, guidelines or policies as it considers necessary or appropriate, for the purposes of producing and distributing informational and educational materials.

11. Lady Health Workers and Health Care Facilities.— (1) Health workers shall encourage, support and protect iodization of salt. They shall be expected to know the provisions of this Act, in particular, any instructions, guidelines or policies published under section 10, and to implement the same whenever possible.

(2) The abstracts of this acts as may be prescribed by the Committee shall be kept in every health care facility in Urdu & English, and in such other language as may be considered appropriate by health care facility.

CHAPTER-VI

INVESTIGATION AND INSPECTION

12. Appointment of Public Analysts.— The Government may use the Public Analysts appointed under the Pure Food Ordinance, 1960 (West Pakistan Ordinance VII of 1960) for the whole or any part of the province, for all kinds of salt.

13. Investigation and Inspection.— (1) The Government, may appoint Inspectors for investigating, and inspecting salt for purposes of implementing and enforcing this Act, and an Inspector so appointed shall have jurisdiction in such area as the Government may direct to conduct inspection and investigation, including but not limited to, stop, search and detain any means of transport or place of storage, at any premises where salt is manufactured, packaged, received, labeled, stored, displayed, distributed, or sold, and undertake prosecution, for the purposes of this Act, and to monitor compliance with the provisions of this Act.

(2) The premises and operations of all licensees shall be subject to periodic inspection, including for license renewal,

(3) The Government shall make every attempt to ensure that the inspectors so appointed are appropriate for the proper enforcement of this Act, and are professionally qualified in the field of IDD and iodization of salt.

(4) No inspector or member of his family shall be engaged, directly or indirectly, in commercial activity in the salt industry.

(5) After an inspection for purposes of this Act, an Inspector shall refer the case to the Board, or a Provincial Committee, as the case may be, along with one portion of the sample of salt.

14. **Investigation and Filing of a Case.**— (1) Upon completion of an investigation and receipt of a complete report, including one from the national standard laboratory if necessary, and after giving the concerned party an opportunity of being heard, the Board or a Provincial Committee, as the case may be, shall decide as to whether or not to institute prosecution under this Act.

(2) Any magistrate appointed under the Code of Criminal Procedure, 1898, (Act No V of 1898) may try an offence made punishable under this Act in accordance with the provisions of Chapter XXII of the Code dealing with Summary Trials.

(3) No court shall take cognizance of any offence punishable under this Act except on a report in writing by an officer authorized by the Board, or the Provincial Committee, as the case may be, or any other person as the Federal Government or the Provincial Government may, by notification in the official Gazette, authorize in this behalf.

(4) An offence punishable under this Act shall be non-cognizable.

15. **Appeal.**— (1) Any person sentenced by a Court under this Act may prefer an appeal to the Court of Sessions within thirty days of the judgment.

(2) The provisions of sections 5 and 12 of the Limitation Act, 1908 (IX of 1908), shall be applicable to an appeal preferred under sub-section (1).

16. **Public Enforcement.**— (1) Any person whomsoever may make an application in writing to the Committee concerning contravention of any of the provisions of this Act or the rules.

(2) If the investigation in response to such an application reveals an offence, the Gilgit-Baltistan Committee shall follow the procedure specified in sections 13 and 14 for recommending persecution.

CHAPTER-VII

PENALTIES AND PROCEDURES

17. **Revocation or Suspension of License, etc.**— Where any person has been found to have contravened any of the provisions of this Act or the rules, the Committee, after giving such person an opportunity of being heard, may suspend or cancel, his license issued under the provisions of this Act.

18. **Penalties.**— (1) Any producer or distributor who contravenes the provisions of sections 7, 8, and 9 shall be punishable with fine which may extend to

one hundred thousand rupees. The amount of fine shall depend upon the seriousness of the violation and as to whether the accused has committed similar violations previously.

(2) Any person who contravenes any other provision of this Act, or the rules, shall be punishable with a fine, which may extend to twenty five thousand rupees.

(3) Notwithstanding anything contained in this Act or under any other law, the court shall be empowered in the case of a contravention of any provision of this Act to issue a cease and desist order; to order confiscation and destruction or other disposition of the salt that fails to meet the regulatory requirements of this Act or the Rules.

19. Responsibility of an Individual for the Act of a Company, Partnership or an Institution.— Where the offence is found to have been committed by a company, corporation, partnership or an institution, as a result of an institutional or operational instructions issued by it or implemented by it, the company, corporation, partnership or the institution may be found guilty in addition to the individuals directly responsible for the commission of such an offence.

20. Overriding Effect.— The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force.

(2) The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

HAFIZ-UR-RAHMAN,
Secretary Law.