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PART-IV

PROVINCIAL ASSEMBLY OF SINDH
NOTIFICATION
KARACHI, THE 20TH SEPTEMBER, 2023

NO.PAS/LEGIS-B-19/2023-The Provincial Assembly of Sindh in its sitting held on 13th July, 2023 passed the Sindh Protection and Promotion of Breast-Feeding and Young Child Nutrition Bill, 2023. The Bill was sent to the Governor for accord his assent as required under clause (2)(a) of Article 116 of Constitution of the Islamic Republic of Pakistan, 1973.

The Bill was transmitted to the Governor Secretariat on 21st July, 2023 by the Chief Minister's Secretariat under Diary No. 1707, which was returned by the Governor with a message as provided under Article 116(2) of the Constitution, to the Chief Minister's Secretariat on 11th August, 2023.

The delay in returning of Bill from Governor is accumulated twenty one days is a Constitutional lapse from acting upon the obligation of assenting/returning an Assembly passed Bill within the deadline of ten (10) days, those are very clearly and firmly specified in Article 116(2) of the Constitution, therefore, in accordance with the spirit of Article 116(2) of the Constitution, the Bill is deemed to have been assented and is hereby published as an Act of the Legislature of Sindh.

THE SINDH PROTECTION AND PROMOTION OF BREAST-FEEDING AND YOUNG CHILD NUTRITION ACT, 2023.

SINDH ACT NO. XL OF 2023

AN ACT

to provide for protection of breast-feeding and nutrition for infants and young children.

WHEREAS it is expedient to ensure safe and adequate nutrition for infants and young children up to the age of 36 months by promoting protecting and supporting breast-feeding, promoting healthy diets to prevent obesity and non-communicable diseases and by regulating the marketing and promotion of designated products including breast milk substitutes, and of feeding bottles, valves for feeding bottles, nipple shields, teats and pacifiers and to provide for matters connected therewith or ancillary thereto;

Preamble

It is hereby enacted as follows:-

Chapter-I Introductory

1. (1) This Act may be called the Sindh Protection and Promotion of Breast-Feeding and Young Child Nutrition Act, 2023.

(2) It shall extend to the whole of the Province of Sindh.

(3) It shall come into force at once.
2. In this Act, unless there is anything repugnant in the subject or context-

(a) "advertise" or "advertising" means to make any communication or representation by any means whatsoever for the purpose of promoting the sale or use of a designated product, including but not limited to: written publication, television, radio, film, electronic transmission including the Internet, social media, video, telephone or mobile application; display of signs, billboards, or notices; or fliers, posters, stickers, exhibition of pictures or models, hologram or similar technology oriented animations;

(b) "artificial feeding" means feeding with any manufactured food product including but not limited to infant formula, lactose free or vegetable formula, follow up formula, breast milk fortifiers and grown up formula and complimentary food products as defined in this Act, which replaces breast milk either partially or totally;

(c) "baby food" means infant formula, lactose free or vegetable formula, follow up formula, formula for young children and any other food manufactured or marketed for consumption by infant and young children;

Short title,
extent and
commencement

Definitions

- (d) "board" means Infant and Young Child Nutrition Board constituted under this Act;
- (e) "bottle feeding" means feeding liquid or semi-solid food from a bottle with a nipple;
- (f) "brand name" means a name given by the manufacturer or the marketing agency to a product or range of products;
- (g) "business" for the purpose of this Act, means a person, corporation or other entity engaged in the business of manufacturing, producing, importing, distributing selling and marketing of designated product;
- (h) "complementary food" means any food commercially processed or manufactured and represented as an addition to breast milk or infant formula or follow-up formula or grown up formula for infants from the age of six months (180) days up to the age of 36 months and Ready to use supplementary food;
- (i) "container" means any form of packaging of a designated product for sale as a retail unit, including wrappers or sachets;
- (j) "cross-promotion" means the use of similar brand names, packaging designs, labels, text, images, colour schemes, symbols or slogans or other means for the purpose of promoting designated product, meaning thereby that the name and container of the product must not resemble another designated product;
- (k) "Department" means Health Department;
- (l) "Designated product" means and includes:-
- (i) infant formula;
 - (ii) any other product marketed or otherwise represented as suitable for feeding infants up to the age of 0-12 months;
 - (iii) follow-up formula or Young child formula;
 - (iv) ready-to-use therapeutic and supplementary food;
 - (v) complementary food product;
 - (vi) feeding bottles, teats, pacifiers; and
 - (vii) such other product as the Board may declare to be a "designated product" for the purposes of this Act;
- (m) "distributor" means a person, corporation or other entity engaged in the business of marketing any designated product, whether wholesale or retail and includes a person providing product public relation and information services;
- (n) "follow-up formula" means a formula or formula-like product of animal or vegetable origin formulated industrially in accordance with the Codex Alimentarius Standard for Follow-up Formula and marketed or otherwise represented as suitable for feeding infants and young children older than six months of age, it is also referred to as "follow-on formula", for the purposes of this Act, the term 'follow-up formula includes any follow up formula for special medical purposes or dietary requirements and any follow-up therapeutic formula product for malnourished infants and young children;
- (o) "government" means Government of Sindh;
- (p) "health care facility" means a public or private institution or organization or private practice engaged directly or indirectly in the provision of health care or in health care education, it also includes a day-care center, a nursery or other infant and young child- care facility;

- (q) "health claim: means any representation that states, suggests, or implies that a relationship exists between a food or a constituent of that food and health, a health claim includes but is not limited to the following:-
- (i) nutrient function claim that describes the physiological role of the nutrient in growth, development and normal functions of the body;
 - (ii) any other function claim concerning specific beneficial effects of the consumption of foods or their constituents that relate to a positive contribution to health or to the improvement of a function or to modifying or preserving health; and
 - (iii) reduction of disease risk claim relating to the consumption of a food or food constituent, in the context of the total diet, to the reduced risk of developing a disease or health-related condition.
- (r) "health professional" means a health worker with a professional degree, diploma or license, such as a medical practitioner, a registered nurse or midwife, LHV or such other person as may be specified by the Ministry or Department of Health by a Notice in the Official Gazette;
- (s) "health worker" means a person providing or in training to provide health care services in a health care facility or in the community whether professional or nonprofessional, including nutritionists and dieticians community midwife, Lady Health Workers or voluntary unpaid workers or any other person providing such services as government may, by notification in the official gazette, specify;
- (t) "infant" means a child up to the age of twelve months;
- (u) "infant-formula" means an animal or vegetable based milk product (halal) manufactured in accordance with the standards recommended by the Codes Alimentarius Commission, in halal requirement and the Codes Code of Hygienic Practice for foods for infants able to satisfy the normal nutritional requirements of an infant up to the age of 12 months;
- (v) "inspector" means any person designated as inspector by the Board under this Act;
- (w) "label" means any tag, mark, pictorial or other descriptive matter which is written, printed, stenciled, marked, embossed, attached or otherwise appearing on a container of a designated product, which includes packaging and inserts;
- (x) "labeling" includes any written, printed or graphic matter that is present on the label, accompanies the designated product or is displayed near the designated product, including that for the purpose of promoting its sale or disposal of designated product;
- (y) "logo" means an emblem, picture or symbol by means of which a company or a designated product is identified;
- (z) "manufacturer" means the person, corporation, or other entity engaged or involved in the business of producing, processing, compounding, formulating, filling, packing, re-packing, altering, ornamenting, finishing and labeling a designated product, whether directly through an agent, or through a person controlled by or under an agreement;

- (aa) "marketing" means to promote, distribute samples, sell, or advertise a designated product by any mean including social media;
- (bb) "nipple shield" means an appliance with a teat for a baby to suck from the breast;
- (cc) "pacifier" means an artificial teat or feeding bottle for babies to suck, also referred to as a "dummy"
- (dd) "person" means an individual, partnership, association, unincorporated organization, company, co-operative, corporation, trustee, agent or any group of persons;
- (ee) "prescribed" means prescribed by the rules of the Act;
- (ff) "promotion of designated product" means to employ any means or method directly or indirectly encouraging a person, a health facility, health professional and health worker or any other entity to introduce, purchase or use a designated product whether or not there is reference to a brand name;
- (gg) "ready-to-use therapeutic food" means an energy-dense, vitamin- and mineral-enriched food specifically designed to treat severe acute malnutrition in children above 6 months;
- (hh) "ready to use Supplementary Food", means an energy dense and mineral enriched food specifically designed to provide supplementary nutrition for moderately malnourished children above 6 months of age;
- (ii) "regulations" means regulations made by the Board under this Act;
- (jj) "representative" means representative of the business;
- (kk) "rules" means rules notified by Government under the Act;
- (ll) "sample" means any quantity of a designated product provided without cost or on reduced price for the promotion or advertisement of designated product;
- (mm) "specialized formula" means feeding supplements specially formulated for use in infants and young children with specific inborn errors of metabolism;
- (nn) "sponsorship" means any financial or in-kind assistance to a person or a group of persons or an entity, whether public or private for the promotion or advertisement of the designated product;
- (oo) "UNICEF" means United Nations International Children's Emergency Fund
- (pp) "WHO" means World Health Organization;**
- (qq) "young child formula" means an industrially formulated milk or milk like product of animal or vegetable origin that is marketed or otherwise represented as suitable for feeding young children;
- (rr) "young child" means a child from the age of one year to the age of three years;

CHAPTER-II ADMINISTRATION

3. (1) Government shall by notification in the official Gazette, establish an Infant and Young Child Nutrition Board for the purposes of this Act. **Establishment of Board**

(2) The Board shall consist of -

01.	Minister for Health, Sindh	Chairperson
02.	Chairperson, Standing Committee on Health, Sindh Assembly	Co-Chairperson
03.	Secretary Health Department Sindh	Secretary
04.	Chief Executive Officer, Health Care Commission, Sindh	Member
05.	Director General Health Services, Sindh	Member
06.	Director General, Food Authority Sindh	Member
07.	Senior Pediatrician nominated by Health Department, Sindh	Member
08.	Senior Gynecologist nominated by Health Department, Sindh	Member
09.	President / General Secretary, Society of Obstetrician and Gynecologist, Sindh	Member
10.	President / General Secretary, Pakistan Pediatrics Association Sindh	Member
11.	President /General Secretary, Pakistan Nutrition & Dietetic Society	Member
12.	A Member of Civil Society Organization nominated by Health Department Sindh	Member
13.	CEO, PPHI or his nominee	Member
14.	Deputy Secretary Public Health Department	Member
15.	Representative of Law Department, Sindh (Not below the Rank of BPS-18)	Member
16.	CEO, Karachi Water & Sewerage Corporation or his nominee	Member
17.	Representative of UNICEF	Member
18.	Representative of World Health Organization (WHO)	Member
19.	Representative of Directorate Nursing Sindh	Member
20.	Representative of PEMRA	Member
21.	Representative of Drug Regulatory Authority (DRAP)	Co-Opted Member
22.	Any Co-opt member nominated by IYCN Board	Co-Opted Member
23.	Two female Members from Provincial Assembly of Sindh, one from Treasury side and one from opposition side to be nominated by the Speaker	Members

(3) No member of the committee, or professional body represented on the committee shall have a direct or indirect relationship with or have received funding or any other form of support from a private sector entity that manufactures or distributes designated products under this Act.

4. (I) Government shall nominate and notify the Chairperson and the members of the Board.

(II) A member shall hold office for a term of four years and shall be eligible for re-appointment for one more term.

(III) A member may resign from his office by serving one month's notice in writing to Health Department.

Terms and conditions of Chairperson and members

Provided that not less than one third of the total number of members of the Board shall comprise of such persons who are professionally qualified with respect to infant and young child nutrition.

5. (1) Government may remove a member from office, if he-
- (a) has been adjudged an undercharged insolvent; or
 - (b) has been convicted of an offence which involves moral turpitude; or
 - (c) has become physically or mentally incapable of acting as a member;
 - (d) has abused his position and rendered his continuance in the office prejudicial to public interest;
 - (e) has entered into any direct or indirect relationship with or has accepted funding or any sector entity that manufactures or distributes other form of support from designated products under this Act.
- (2) A member shall not be removed from office except after affording him a reasonable opportunity of being heard.
- Removal of any member**
6. The following shall be powers and functions of the Board namely:-
- (a) to frame Regulations under the Act to achieve the purpose of this Act;
 - (b) to advise standards of designated products including labeling requirement whether imported or locally manufactured;
 - (c) to advise and propose guidelines to Government on the establishment of an effective and sustainable monitoring system in accordance with the WHO/UNICEF Net Code protocol for on-going monitoring;
 - (d) to provide scientific advice and technical support to Government in matters relating to designated products;
 - (e) to advise and propose guidelines to Government on policies for the promotion and protection of breast-feeding, and matters relating to designated products especially infant and young child nutrition, particularly through education campaigns, and to organize health education on the same for health workers and general public;
 - (f) to approve the procedures of sampling, analysis and reporting of results;
 - (g) to receive reports of violations of the provisions of this Act or the rules;
 - (h) to collect and analyze relevant scientific and technical data relating to designated products;
 - (i) to recommend investigation of cases against manufacturers, distributors or health workers found to be violating the provisions of this Act or the Rules;
 - (j) to issue instructions for taking actions or take such other actions as the case may be, against any person found to be violating the provisions of this Act or the Rules promulgated pursuant thereto;
 - (k) to specify licensing, prohibition orders, fine, recall procedures, improvement notices or prosecution;
 - (l) to take decisions on requests for breast milk substitute donations to health care facilities, in communities or through online platforms during emergencies or otherwise, with reference to Nutrition Wing MONHSR&C and UNICEF IYCF-E guidelines;
 - (m) to plan for coordination, the dissemination of informational and educational materials on the topic of infant and young child feeding and recommend
- Powers and functions of the Board**

continuing educational courses for health workers for the purposes of this Act;
(n) to perform any other function to achieve the objectives of this Act.

7. The Secretary of the Board shall have the following powers:-

- (a) to designate an employee of the Department of Health as Coordinator for implementing actions as may be prescribed by the Board;
- (b) to designate staff required to implement the activities as may be prescribed by the Board;
- (c) to call meetings of the Board, at the direction of the Chairperson/ Co-Chairperson and record minutes of such meetings;

**Powers of
Functions of
Secretary of the
Board**

8. The Coordinator shall have the following powers:-

- (a) The Coordinator subject to the control of the Board shall be responsible for accomplishing the objectives of this Act and for efficient implementation of the Act, the rules and the regulations.
- (b) The Coordinator shall exercise such powers as may be prescribed or delegated to him by the Board.

Coordinator

9. No act or proceedings of the Board shall be questioned or invalidated merely on the ground of existence of any vacancy or defect in the constitution of the Board.

**Proceedings of
the Board**

10. All designated products shall be registered in accordance with such conditions and procedures as may be prescribed.

**Registration of
designated
products and
quality
assurance**

CHAPTER-III PROHIBITIONS

11. A person shall not distribute, sale, stock or exhibit for sale any designated product that is not registered with the Provincial and Federal Government.

**Sale of a
designated
product**

12. A business shall not promote any designated product. Prohibited promotional practices include but are not limited to:-

Promotion

- (a) Advertise or any other form of promotion of designated products for the children up to the age of 35 months;
- (b) sale devices such as special displays, discount coupons, premiums rebates, special sales, loss-leaders, tie-in sales, prizes or gifts;
- (c) give any sample of a designated product to any person or healthcare facility, health professional and health worker;
- (d) donate or distribution of information or education material referring to infant or young child feeding or performance of educational functions related to infant or young child feeding;

- (e) use of health or nutrition claims on labels of designated products or in any related information and education materials referring to infant and young child feeding;
- (f) cross-Promotion of a designated product;
- (g) no representative of the business shall be allowed to solicit healthcare facility, health professional and health worker to prescribe designated products to infants and young children;
- (h) no person other than a health professional who is not engaged by a business, manufacturer or distributor shall instruct any user on the need and proper preparation and use of any designated product;
- (i) no business or its representative shall be allowed to visit any healthcare facility, health professional and health worker in person;
- (j) for the purposes of its business of designated product shall contact, directly indirectly with general public including sponsorship of the events;
- (k) donate, waive payment through any means or provide at lower than the published wholesale price where one exists, and in its absence, lower than 80 per cent of the retail price, any quantity of a designated product to a health worker or a health care facility;
- (l) donate to or distribute within a health care facility equipment, services or materials such as pens, calendars, posters, note pads, growth charts and toys or any other materials;
- (m) offer or give any gift, contribution, sponsorship, benefit, financial or otherwise, of whatever value to a health worker or to an association of health workers engaged in maternal and child health, including but not limited to fellowships, research grants or funding for meetings, seminars, continuing education courses, trainings or conferences;
- (n) sponsor events, telephone counseling lines, campaigns or programmers related to reproductive health, pregnancy, childbirth, infant or young child feeding or related topics;
- (o) directly or indirectly establish relationships with parents and other caregivers through baby clubs, social media groups, child care classes, contests and any other means;
- (p) include the volume of sales of designated products in the calculation of its employee remuneration or bonuses, nor set quotas for sales of designated products; or
- (q) designate products can only be sold at the pharmacies and other authorized places as approved by the Board.

CHAPTER-IV LABELLING INSTRUCTIONS

13. (i) Infant feeding formula shall conform to uniform preparation namely; one scoop formula powder to be mixed with 30 ml (one ounce) water. **Labeling of designated product**
- (ii) The word "Milk" shall not be mentioned on the related designated product itself or on any promotional/ educational material:-
- (iii) Labels pertaining to infant formula, follow up formula and grown up formula shall be clearly distinguishable in name and in design from each other;

(iv) Every container of designated product shall bear the following label or warning below the brand name in Urdu language (Nastleeq font) (and English if the manufacturer desires) as per its respective category in prescribed height.

- * "Infant formula for infants from birth up to six months" and
- * "Follow-up formula for infants from above six months " respectively
- * "Young child formula for children from above 12 months up to 3 years"

(v) Phrase that shall be incorporated on labels or packaging in legible font in Urdu language (Nastleeq font) and in English if desired;

(vi) List of ingredients shall be mentioned on the designated product with analysis of nutrient contents;

(vii) Word Halal, batch number, place of manufacturing, place of packaging, date of manufacture and expiry dates shall be mentioned on the designated product;

(viii) The scientific method of preparing designated product as per its category shall be mentioned on the container (in Urdu and English);

(ix) Every container shall have a clear, conspicuous, and easily understood message printed on it, or on a label that cannot become separated from it. The notice shall read in the prescribed height stating the following namely:-

**"MOTHER'S MILK IS BEST FOR YOUR BABY AND HELPS IN PREVENTING
MALNUTRITION, DIARRHOEA AND OTHER DISEASES"**

(x) Labeling and design of the container shall be duly approved at the Federal level before distribution, marketing and selling;

(xi) No photographs, drawings or graphics may be used to illustrate except graphics on the correct method of preparation;

(xii) Labels or inserts pertaining to infant formula, follow up formula and grown up formula shall:-

(i) contain the word, "WARNING" and indicated thereunder, the statement, before deciding to supplement or replace breastfeeding with this product, seek the advice of a health professional. It is important for your baby's health that you follow all preparation instructions carefully. If you use a feeding bottle, your baby may refuse to feed from the breast. It is more hygienic to feed from a cup" in characters no less than one-third size of the characters in the product name, and in no case less than 1.5mm in height;

(ii) prepare instructions for infant or follow-up formula in powdered form stating that:

(a) Powdered formula is not sterile and may be contaminated with pathogenic microorganisms during the manufacturing process or may become contaminated during preparation;

(b) it is necessary for formula to be prepared one feed at a time using water first boiled and then cooled to not less than 70 °C; and;

(c) any unused prepared formula shall be discarded immediately after every feed;

(d) includes a feeding chart in the preparation instructions;

(e) it does not use the terms "materialized", "humanized" or terms similar thereto or any comparison with breast milk;

(f) it does not use text that may tend to discourage breastfeeding;

(g) specifies the source of the protein; and

- (h) in the case of follow-up formula, states that the product shall not be used for infants less than six months old or used as the sole source of nutrition of infants in characters in accepted size and font.
- (iii) Prohibitions related to labeling of feeding bottles and teats: A business shall not offer for sale or sell a feeding bottle or teat unless the package or label affixed thereto, contains the particulars: the words, "IMPORTANT NOTICE" in capital letters and indicated thereunder, the statement, "Breastfeeding is best. Breast milk is the ideal food for the healthy growth and development of infants and young children. It protects against diarrhea and other illnesses". This shall be written in Urdu (Nastaleeq) and English (optional).

CHAPTER-V INFORMATION AND EDUCATIONAL MATERIAL

14. (1) Businesses or their representatives shall not produce or distribute any information or promotional materials regarding breastfeeding and infant young child nutrition. Any other person or company, other than Department of Health who produces or distributes any informational and educational materials referred in this section shall submit copies thereof to the Board as may be prescribed.

**Informational
and Educational
Material
regarding
breastfeeding
and Infant
Young Child
Nutrition**

(2) Informational and educational materials, whether written, audio or visual, which refer to infant and young child feeding shall:-

- (i) contain only correct scientific information and shall not use any pictures, graphics a text that encourage bottle-feeding or discourage breast-feeding;
- (ii) be written in English and or national and or regional language;
- (iii) not give an impression or create a belief that a designated product is equivalent to comparable with or superior to breast milk or to breastfeeding;
- (iv) not contain the brand name or logo of any designated product nor of any manufacture or distributor of a designated product;

Provided that this clause shall not be applicable to information about designated products intended for health professionals, and.

(v) clearly and conspicuously explain each of the following points:

- (a) the benefits and superiority of breastfeeding;
- (b) the value of exclusive breastfeeding for six months followed by sustained breastfeeding for two years or beyond;
- (c) how to initiate and maintain exclusive and sustained breastfeeding;
- (d) why it is difficult to reverse a decision not to breastfeed;
- (e) the importance of introducing complementary foods from the age of six months;

(f) how and why any introduction of artificial feeding, the use of a feeding bottle or the early introduction of complementary foods negatively affects breastfeeding; and

(g) complementary foods can easily be prepared at home using local ingredients;

(3) If the material referred to above includes the topic of artificial feeding or the use of a feeding bottle, it shall also include the following points-

- (a) instructions for the proper preparation, storage and use of the product including cleaning and sterilization of feeding utensils,
- (b) how to feed infants with a cup;

- (c) the health risks of artificial feeding, the use of a feeding bottle and improper preparation of the product;
- (d) powdered formula is not sterile and may be contaminated with pathogenic microorganisms during the manufacturing process or may become contaminated during preparation;
- (e) it is necessary for powdered formula to be prepared one feed at a time using water first boiled and then cooled to not less than 70 °C;
- (f) any unused milk shall be discarded immediately after every feed;
- (g) the approximate financial cost of feeding an infant or a young child with such a product in the recommended quantities;
- (h) the practice of providing follow-up formula and young child formula is not necessary;
- (i) Except as provided below concerning product information for health professionals, materials that include the topic of artificial feeding shall not contain any health or nutrition claims or other representation that states or suggests that a relationship exists between the product or constituent thereof and health, including the physiological role of a nutrient in growth, development or normal functions of the body;
- (j) manufacturers and distributors may give material about specialized formula to health professionals on request, if such material:

(i) is restricted to scientific and factual matters regarding the technical aspects and methods of use of the product;

(ii) provides references to publish and peer-reviewed studies to support any representation or claim that states or suggests that a relationship exists between the product or a constituent thereof and health, growth or development; and

(iii) is otherwise in accordance with the other requirements of this Act;

(4) Government shall, in consultation with the Board, arrange and approve the dissemination of objective, scientific and consistent informational and educational materials on infant and young child feeding, and may, by notification in the official Gazette, publish such instructions, guidelines or policies as it deems necessary or appropriate, for the purposes of producing and distributing informational and educational materials.

CHAPTER-VI

HEALTH PROFESSIONAL AND HEALTH WORKER RESPONSIBILITIES

15. (1) Health Professional, Health worker responsibilities;-

- (a) Health Professional and Health workers shall encourage support and protect breastfeeding and shall also provide all the necessary information and knowledge regarding the provisions of this Act and take all necessary steps to implement the same;
- (b) Health workers shall not accept or give samples of any designated product to any person, particularly pregnant women, mothers of infants and young children, or members of their families;
- (c) Health workers and their Associations shall not promote in any way whatsoever, any designated product;

Health
Professional,
Health Worker
Responsibilities

- (d) Health workers and their Associations shall not:
- (i) accept equipment or services from companies that market foods for infants and young children;
 - (ii) accept gifts or incentives from such companies;
 - (iii) allow health facilities to be used for commercial events, contests or campaigns;
 - (iv) allow companies that market foods for infants and young children to distribute any gifts or coupons to parents, caregivers and families through health facilities;
 - (v) allow such companies to directly or indirectly provide education in health facilities to parents and other caregivers;
 - (vi) allow such companies to sponsor meetings of health professionals and scientific meetings;
- (e) Health workers shall make in writing a report to the Board, any offer of a gift or other financial benefit made by a business distributor or any other contravention of the provisions of this Act or the Rules, noticed by them;
- (f) There shall be kept posted in every designated health care facility in Sindhi/Urdu/English as may be deemed appropriate by the Health Care Facility, the "Ten Steps of the Baby Friendly Hospital (BFH)" as may be prescribed by the Government for this purpose.

CHAPTER-VII INSPECTION AND COMPLAINTS

16. (1) The Board shall appoint such persons as it deems fit having the prescribed qualifications to be Inspectors for purposes of this Act within such local limits as it may assign to them respectively, provided that no person who has any direct or indirect financial interest in any designated product shall be so appointed. **Appointment of Inspectors**
- (2) Notwithstanding anything in sub-section (1), the Board, in public interest, may confer the powers of Inspector to a Government servant.
17. (1) An inspector may, within the local limits for which he or she is appointed:- **Powers of Inspectors**
- (i) inspect any premises where any designated product is imported, manufactured, sold, stocked, exhibited for sale, supply, advertised or otherwise promoted and all relevant records;
 - (ii) institute prosecution with respect to violations of this Act or the Rules and Regulations made pursuant thereto; and
 - (iii) impose fine on the business with respect to violation of this Act and the Rules and Regulations made thereunder;
 - (iv) seize any designated product found in violation of this Act and the Rules and Regulations made there under;
- (2) Exercise such other powers as may be prescribed by the Board.
18. Any person may send an application in writing to the Board concerning contravention of any of the provisions of the Act or the Rules, according to procedure lay down by the Board. **Complaints**

CHAPTER-VIII
REGULATIONS FOR REPORTING VIOLATIONS, PENALTIES AND PROCEDURES

19. Procedures for suspension or revocation of professional license:-

Procedure for
suspension or
revocation of
professional
license

- (i) Where any person, except a health professional, has been found to have contravened any of the provisions of this Act or the Rules, the concerned authority upon written recommendation of the Board, and after giving such person an opportunity of being heard, if so deemed necessary, may recommend to Government to suspend or cancel, his license for the practice of his profession or occupation or for the pursuit of his business;
- (ii) Where any health professional has been found to have contravened any provision of this Act, or the Rules and Regulations pursuant thereto, the Board after giving such person an opportunity of being heard may recommend to the relevant authority for suspension or revocation of any license for the practice of that person's profession.

20. (1) If any business or any person on behalf of the business contravenes any provision of this Act shall be punishable with:

Punishment for
offences

- (a) **Manufacturers, Importers, Wholesalers:** imprisonment for up to two years or a fine which may extend to five million rupees but shall not be less than five hundred thousand rupees or both;
- (b) **Corporate Sector/ Marketing:** imprisonment for up to two years or a fine which may extend to five million rupees but shall not be less than five hundred thousand rupees or both .
- (c) **Retailers:** imprisonment for up to two years or a fine which may extend to five hundred thousand rupees but shall not be less than twenty five thousand rupees or both
- (d) **Health Workers:** Minor or major penalty as per Government rules by relevant department and referral of case to licensing or concerned authority

(2) If any business, after having been previously convicted of an offence under this Act. commits any offence under the Act, he shall be liable to:

- (a) Twice the punishment of imprisonment and fine, which is provided under the Act;
- (b) The license of a business mentioned in sub section (1) may be cancelled;
- (c) 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 offence.

CHAPTER-IX
REGULATIONS FOR APPELLATE FORUM

21. (1) The first appeal shall lie before the Secretary of the Board against the order passed by the authorized officer within a period of 15 days of the order. Appeal

(2) The appeal against the order passed by the Secretary of the Board will lie before the Board within a period of 30 days of the order.

CHAPTER-X
FINANCES AND REPORTS

22. (1) There shall be established a Budget to be known as the Infant and Young Children Nutrition Board Fund to be administered and controlled by the Department of Health, Government of Sindh. Funds for the Board will be provided by the Government of Sindh. **Budget, Accounts and Audit**

(2) The Board shall maintain proper accounts and other records relating to its financial affairs including its income and expenditures in such form and manner as may be prescribed.

(a) After the conclusion of a financial year, the Board in the manner prescribed, shall cause to be prepared for the financial year statements of account of the Board which shall include a balance sheet and an account of income and expenditures;

(b) The Board shall approve annual budget for a financial year in the prescribed manner;

(c) No expenditure for which provision has not been made in any approved budget shall be incurred without prior approval of the Board.

(3) The Auditor General of Sindh shall annually audit the accounts of the Board.

23. (1) The Board shall, within three months of the close of a financial year, submit to Department an annual performance report. **Annual Report**

(2) The report shall consist of-

- (i) The statement of accounts and audit reports of the Board;
- (ii) A comprehensive statement of the work and activities of the Board during the preceding financial year and its proposed projects and schemes; and

(3) Such other matters as may be prescribed or as the Board may consider appropriate.

24. (1) The Department of Health, Government of Sindh shall, at least once in a year, conduct or cause to be conducted, the performance audit of the Board to assess and evaluate the performance of the Board in accomplishing the objectives of this Act. **Monitoring and Evaluation**

(2) The Department of Health, Government of Sindh shall evaluate the report mentioned in sub-section (1) and shall, on the basis of the report, issue such directions to the Board as may be necessary for accomplishing the objectives of the Act and the Board shall implement the directions.

(3) Government may give such directions as may appear to it to be necessary for carrying into effect in any of the provisions of this Act or of the rules, or any order or direction made thereunder, or for achievement of uniformity in respect of any matter related thereto in different parts of Province of Sindh.

CHAPTER-XI
MISCELLANEOUS

25. (1) The Board may delegate, subject to such conditions and restrictions as may be specified in the order, any of its functions to a body, committee or an officer, except the function to:- **Delegation of Powers**

- (a) frame or amend regulations;
- (b) constitute a committee or fill a vacancy in a committee;
- (c) formulate standards, procedures, processes and guidelines in relation to designated product;
- (d) approve the annual report, annual budget and audited accounts.

26. Members and the employees of the Board shall be deemed, when acting in the discharge of their functions under this Act, to be public servants. **Public Servants**
27. No suit, prosecution or other legal proceedings shall lie against Government, any officer of Government, the Board, the Chairperson, a member or any employee of the Board for anything which is done in good faith under this Act, the Rules or the Regulations made thereunder. **Indemnity**
28. A civil court shall not entertain a suit or an application against any proceedings taken or order made under this Act. **Bar of jurisdiction**
29. The provisions of this Act shall have effect notwithstanding anything contained in any other law. **Overriding effect**
30. (1) Government has the power to make Rules for carrying out the purposes of this Act. **Power to make Rules and Regulations**
- (2) Subject to this Act, the Board may, with endorsement by the Department of Health, GOS, frame Regulations to give effect to the provisions of the Act.
31. (1) The Protection and Promotion of Breastfeeding and Child Nutrition Act, 2013 (Sindh Act No.XVII of 2013) is hereby repealed. **Repeal**
- (2) Subject to this Act, any license or order issued under the repealed Act, which is in force on the date of coming into force of the Act, shall be deemed to have been issued under the Act and shall continue to be in force until expired, cancelled or withdrawn.
- (3). The standards, safety requirements and other provisions of the repealed Act or the Rules made thereunder, shall, to the extent of consistency with the Act, continue to remain in force till the standards, safety requirements are prescribed under this Act.
32. Government may, by notification, make such provisions not inconsistent with this Act, as may appear necessary for removing any difficulty or giving effect to the provisions of the Act. **Power to remove difficulties**

BY ORDER OF THE SPEAKER
PROVINCIAL ASSEMBLY OF SINDH

G.M.UMAR FAROOQ
SECRETARY
PROVINCIAL ASSEMBLY OF SINDH