

PROVINCIAL ASSEMBLY OF THE PUNJAB

NOTIFICATION

February 06, 2016

No.PAP/Legis-2(98)/2015/1368. The Punjab Pure Food (Amendment) Bill 2015, having been passed by the Provincial Assembly of the Punjab on February 03, 2016, and assented to by the Governor of the Punjab on February 05, 2016, is hereby published as an Act of the Provincial Assembly of the Punjab.

THE PUNJAB PURE FOOD (AMENDMENT) ACT 2016

ACT VI OF 2016

[First published, after having received the assent of the Governor of the Punjab, in the Gazette of the Punjab (Extraordinary) dated February 06, 2016.]

An Act

further to amend the Punjab Pure Food Ordinance, 1960.

It is necessary *further* to amend the Punjab Pure Food Ordinance, 1960 (VII of 1960) to provide for more effective enforcement of the law, rationalization of punishments, and for other purposes.

Be it enacted by Provincial Assembly of the Punjab as follows:

1. Short title and commencement.— (1) This Act may be cited as the Punjab Pure Food (Amendment) Act 2016.

(2) It shall come into force at once.

2. Amendment in section 2 of Ordinance VII of 1960.— In the Punjab Pure Food Ordinance, 1960 (VII of 1960), for brevity cited as the said Ordinance, in section 2:

- (a) after clause (5), the following new clause (5a) shall be inserted:
“(5a) Code” means the Code of Criminal Procedure, 1898 (*V of 1898*);”;
- (b) for clause (8), the following shall be substituted:
“(8) “Director” means an officer notified by the Government to perform the functions of Director in a specified area;”;
- (c) for clause (15), the following shall be substituted:
“(15) “Local Authority” means:
 - (i) a local government as defined in the Punjab Local Government Act 2013 (XVIII of 2013) or any other law for the time being in force; and
 - (ii) an authority which the Government may, by notification in the official Gazette, declare to be a Local Authority for purposes of this Ordinance;”.

3. Amendment in section 17 of Ordinance VII of 1960.— In the said Ordinance, in section 17:

- (a) in subsection (7):
 - (i) for the words “magistrate of the first class”, the words “Special Court” shall be substituted; and
 - (ii) for the word “magistrate”, wherever occurs, the words “Special Court” shall be substituted; and
- (b) after subsection (8), the following subsections (9) and (10) shall be inserted:

“(9) Subject to the direction of the District Food Committee, an Inspector may seal any premises where he believes that any food which is adulterated food or which is unsound, unwholesome, injurious to health or unfit for human consumption is prepared, manufactured, preserved, packaged, stored, conveyed, distributed or sold.

(10) While performing functions of entry, inspection, taking samples, seizure or sealing, the Inspector shall use or caused to be used electronic devices to generate electronic evidence of any of his actions under the Ordinance.”

4. Amendment in section 21 of Ordinance VII of 1960.— In the said Ordinance, in section 21, in subsection (1), for the word “Schedule”, the expression “Schedule I” shall be substituted.

5. Substitution of section 23 of Ordinance VII of 1960.— In the said Ordinance, for section 23, the following shall be substituted:

“23. Selling food against the law.— A person who sells or offers for sale any adulterated food or food which is not in compliance with the provisions of this Ordinance or the rules shall be liable to imprisonment for a term which may extend to six months but which shall not be less than one month and fine which may extend to one million rupees but which shall not be less than one hundred thousand rupees.”

6. Substitution of section 23-A of Ordinance VII of 1960.— In the said Ordinance, for section 23-A, the following shall be substituted:

“23A. Offence by large scale manufacturers.— Notwithstanding anything contained in section 23, if a person manufactures, keeps, transports, imports or exports adulterated food for large scale use or consumption in quantities equal to or in excess of the quantities mentioned in Schedule II appended to this Ordinance, he shall be liable to imprisonment for a term which may extend to five years but which shall not be less than six months and fine which may extend to two million rupees but which shall not be less than five hundred thousand rupees.”

23B. Substandard or misbranded food.— Any person who manufactures for sale, stores, sells, distributes, imports or exports any food which is not of the requisite standard or is misbranded, shall be liable to imprisonment for a term which may extend to six months but which shall not be less than one month and fine which may extend to one million rupees but which shall not be less than one hundred thousand rupees.

23C. Unsafe food.— (1) An occupier, who manufactures for sale, stores, sells, distributes, imports or exports any unsafe or unwholesome food, shall be liable:

- (a) where the unsafe food does not result in injury to any person, to imprisonment for a term which may extend to six months but which shall not be less than one month and fine which may extend to one million rupees but which shall not be less than one hundred thousand rupees;
- (b) where such unsafe food results in injury to any person, to imprisonment for a term which may extend to three years

but which shall not be less than three months and fine which may extend to one million rupees but which shall not be less than one hundred thousand rupees; or

- (c) where such unsafe food results in death of a person, to imprisonment for a term which may extend to imprisonment for life but which shall not be less than ten years and fine which may extend to three million rupees but which shall not be less than two million rupees.

(2) In this section and section 23D, 'unsafe food' means the food whose nature, substance or quality is so affected by any means or for any reasons as to render it injurious to human health.

23D. Unhygienic or unsanitary conditions.— Any person, who manufactures or processes or keeps any food under unhygienic or unsanitary conditions, shall be liable to imprisonment for a term which may extend to six months but which shall not be less than three days and fine which may extend to one million rupees but which shall not be less than twenty thousand rupees.

23E. Business without licence.— If a person manufactures, sells, offers for sale, stores or distributes or imports any food without licence, he shall be liable to imprisonment for a term which may extend to one year but which shall not be less than three days and fine which may extend to five hundred thousand rupees but which shall not be less than ten thousand rupees.

23F. False advertisement.— (1) Any person, who for purposes of effecting or promoting the sale of any food, publishes or causes to be published, any advertisement which –

- (a) falsely describes any food, or
- (b) is contrary to any rules or regulations; or
- (c) is likely to deceive a purchaser with regard to the character, nature, value, substance, quality, strength, purity, composition, merit or safety, weight, proportion, origin, age or effects of any food or of any ingredient or constituent of the food, shall be liable to imprisonment for a term which may extend to one year but which shall not be less than six months and fine which may extend to two million rupees but which shall not be less than one million rupees.

(2) Any person, who publishes or causes to be published an advertisement, which does not contain the true name of the person by whom the advertisement is published or the address of his place of business, shall be liable to imprisonment for a term which may extend to one year but which shall not be less than six months and fine which may extend to two million rupees but which shall not be less than one million rupees.

23G. False labeling.— (1) Any person, who prepares, packages, labels any food which does not comply with the prescribed standard, shall be liable to imprisonment for a term which may extend to one year but which shall not be less than six months and fine which may extend to one million rupees but which shall not be less than five hundred thousand rupees.

(2) Any person, who labels any food in a manner which is false, misleading or deceptive as regards its character, nature, value, substance, quality, composition, merit or safety, strength, purity, weight,

origin, age or proportion shall be liable to imprisonment for a term which may extend to one year but which shall not be less than six months and fine which may extend to one million rupees but which shall not be less than five hundred thousand rupees.

23H. Residuary offences.— Subject to this Part, if a person violates any provision of the Ordinance and no penalty is prescribed for such violation, he shall be liable to imprisonment which may extend to one year or fine which may extend to one million rupees or both.

23I. Punishment for subsequent offence.— (1) If any person, after having been previously convicted of an offence under this Ordinance, again commits any offence under the Ordinance, he shall be liable to:

- (a) twice the punishment of imprisonment and fine, which is provided for the offence under the Ordinance; and
- (b) an additional fine which may extend to two hundred thousand rupees.

(2) The licence of a person convicted under sub-section (1) shall be cancelled.

23J. Compensation for injury to consumer.—(1) In case of injury or death of a consumer due to unsafe food, the Special Court, in addition to any other penalty under this Ordinance, shall direct the responsible person to pay compensation to the consumer or legal heirs of the consumer, an amount which is:

- (a) not less than one million rupees in case of death; and
- (b) not exceeding five hundred thousand rupees in case of injury.

23K. Cognizance of offences.— (1) An offence under this Ordinance shall be cognizable on a complaint of an officer authorized by the Government.

(2) If the offence causes death of, or injury to, a person, the aggrieved person may also file a complaint in the Special Court under Chapter XVI of the Code of Criminal Procedure 1898 (V of 1898).

(3) The offences under section 23A and clauses (b) and (c) of section 23C shall be non-bailable.

23L. Special Court.— (1) An offence punishable under this Ordinance shall be exclusively triable by the Special Court established by the Government and where it establishes more than one Special Courts, it shall specify the territorial limits within which each Special Court shall exercise jurisdiction under the Ordinance.

(2) A Special Court shall consist of a presiding officer and two technical members.

(3) The Government shall send a panel of two or more persons to the Chief Justice of Lahore High Court and the Chief Justice shall recommend a person in the panel for appointment as the presiding officer of a Special Court.

(4) Subject to subsection (3), the Government may appoint a person as presiding officer of a Special Court who has not less than:

- (a) five years' experience as a Magistrate first class; or
- (b) ten years' experience as a prosecutor, law officer or advocate; or
- (c) ten years' experience in the service of Pakistan and is a law graduate.

(5) The Government shall appoint a person as technical member of a Special Court and determine terms and conditions of

service of the presiding officer and technical members in the prescribed manner.

(6) The presiding officer and at least one technical member shall constitute quorum for a sitting of a Special Court.

(7) A decision of a Special Court shall be expressed in terms of the opinion of the majority, or if the case has been decided by the presiding officer and only one of the members and there is a difference of opinion between them, the decision of the Special Court shall be expressed in terms of the opinion of the presiding officer.

(8) If the Special Court is not established or it is not functional in an area, a Magistrate exercising powers under section 30 of the Code for the area shall be deemed to be Special Court under this Ordinance.

23M. Summary trial.— (1) Notwithstanding anything contained in the Code but subject to sub-section (3), the Special Court shall summarily try an offence punishable under this Ordinance and may impose punishment of imprisonment for a term not exceeding six months or fine not exceeding one million rupees.

(2) The Special Court shall conduct the summary trial of an offence under the Ordinance in accordance with the provisions of Chapter XXII of the Code relating to the summary trials.

(3) If the Special Court is of opinion that the nature of the offence does not justify summary trial, it may conduct proceedings in accordance with the provisions of Chapter XX of the Code.

23N. Appeal.— (1) The Government or the person sentenced by a Special Court may, within thirty days from the date of communication of the order, file an appeal against a final order of the Special Court to Lahore High Court.

(2) Save as provided in this Ordinance or rules, no court shall take cognizance or revise a sentence, or transfer any case from a Special Court, or make order under sections 426, 491 or 498 of the Code or have jurisdiction of any kind in respect of any proceedings of the Special Court.

23O. Transfer of cases.— (1) A case regarding any matter within the jurisdiction of a Special Court, pending in any court immediately before the establishment of a Special Court under this Ordinance, shall stand transferred to the Special Court which has jurisdiction to try such case.

(2) Lahore High Court may transfer a case from one Special Court to another Special Court or from a Special Court to any other court or from any other court to a Special Court.”

7. Amendment in sections 29 and 30 of Ordinance VII of 1960.— In the said Ordinance, in sections 29 and 30, for the word “magistrate”, wherever occurs, the words “Special Court” shall be substituted.

8. Omission of sections 31 and 32 from Ordinance VII of 1960.— In the said Ordinance, sections 31 and 32 shall be omitted.

9. Insertion of sections 35A, 35B, 35C and 35D in Ordinance VII of 1960.— In the said Ordinance, after section 35, the following new sections shall be inserted:

“35A. Task Force.— (1) The Government may, by notification, constitute a Task Force for two or more Districts.

(2) A Task Force shall consist of a Chairperson and such other members as the Government may appoint on such terms and conditions as the Government may determine.

(3) A Task Force, within its area of jurisdiction, shall:

- (a) implement policies of the Government for effective enforcement of the Ordinance ;
- (b) advise the Government on policies for effective legal and administrative framework to ensure availability of nutritious, hygienic and safe food to consumers;
- (c) set targets with time lines to achieve them;
- (d) ensure that the provisions of this Ordinance are enforced in a manner that the objectives of the Ordinance are achieved;
- (e) monitor working of the District Food Committees, Directors, Inspectors and Health Officers;
- (f) submit report to the Government on the performance of the enforcement machinery with reference to the implementation of the Ordinance;
- (g) receive and redress public grievances by issuing directions to the District Food Committee; and
- (h) perform such other functions as the Government may assign.

(4) The Task Force shall meet at least once every fifteen days.

(5) The Chairperson shall convene a meeting of the Task Force.

(6) A meeting shall be presided by the Chairperson and in his absence, by a member of the Task Force nominated by the Chairperson.

(7) One half of the members shall constitute the quorum for a meeting, a fraction being counted as one.

35B. District Food Committee.— (1) The Government shall, in each district, constitute a District Food Committee which shall be headed by the District Coordination Officer and the Director shall be the Secretary of the Committee.

(2) The District Food Committee shall:

- (a) exercise all the powers of an Inspector under this Ordinance;
- (b) set targets with time lines to achieve them for the availability of nutritious, hygienic and safe food to consumers;
- (c) conduct or cause to be conducted inspections of premises where food is prepared, manufactured, preserved, packaged, stored, conveyed, distributed or sold;
- (d) spearhead, monitor, coordinate and supervise the work and performance of the Inspectors, Directors, Health Officers and other relevant persons;
- (e) implement or cause to be implemented the directions of the Task Force; and
- (f) perform such any other functions as the Government may be assign.

35C. Monthly report.— (1) A District Food Committee shall, each month, submit to the Divisional Task Force a report about the performance of the Inspectors, Directors and Health Officers especially with respect to the protection of public health, provision of safety and standards of food during the month under report and the steps taken and likely to be taken to achieve the purposes of the Ordinance.

(2) The Task Force may, after considering the report, issue such directions to the District Food Committee as may be necessary for achieving the purposes of the Ordinance and the District Food Committee shall implement the directions.

35D. Monitoring and evaluation.— (1) The Government shall, at least once in a year, conduct or cause to be conducted, the performance audit of the Task Forces and District Food Committees to assess and evaluate their performance in accomplishing the objectives of this Ordinance.

(2) The Government shall evaluate the report mentioned in subsection (1) and shall, on the basis of the report, issue such directions to the Task Force or the District Food Committee as may be necessary for accomplishing the objectives of this Ordinance and the Task Force or District Food Committee shall implement the directions.”

10. Amendment in section 35 of Ordinance VII of 1960.— In the said Ordinance, in section 35:

- (a) in subsection (1), for the expression “Executive District Officer (Health) of a district”, the word “Director” shall be substituted; and
- (b) for the expression “Executive District Officer (Health)”, wherever occurs, the word “Director” shall be substituted.

11. Substitution of section 36 of Ordinance VII of 1960.— In the said Ordinance, for section 36, the following shall be substituted:

“36. Delegation of functions.— The Government may delegate any of its functions under this Ordinance to a Task Force or a District Food Committee or a Director or any officer by name or designation, except the function of framing of rules under section 37.”

12. Amendment of Schedule in Ordinance VII of 1960.— In the said Ordinance, in the Schedule:

- (a) for the heading “Schedule”, the heading “Schedule I” shall be substituted; and
- (b) after Schedule I, the following Schedule II shall be inserted:

“SCHEDULE II

Sr#	Article of Food	Quantity
1	Milk	500 litre
2	Ghee, Butter,	1000 kg
3	Khoya	1000 kg
4	Edible oils & fats	1000 litre
5	Tea	250 kg
6	Atta, Maida, Suji, Basin	1000 kg
7	Sugar, Honey, <i>Gur</i> , <i>Shakar</i> or other sweeteners	1000 kg
8	Prepared food	100 kg
9	Ketchup, Sauces & Pickles	250 kg

10	Aerated Carbonated water	1000 litre
12	Spices	250 kg
13	Cereal & Cereal Product(other than Atta)	500 kg
14	Snack Products	500 kg
15	Confectionary	250 kg
16	Ice Cream, Kulfi, cream, condensed milk, cheese, Yogurt	250 kg
17	Baby Foods	100 kg
18	Milk Powders	500 kg
19	Syrup, sherbets, Fruit and Vegetable concentrates	500 litre
20	Water	500 litre
21	Vegetables & Fruits	200 kg
22	Meat & Poultry	200 kg
23	Meat & Poultry (If section 2(1)(i) is attracted)	20 kg
24	Foods not specified.	250 kg"

13. Repeal.— The Punjab Pure Food (Amendment) Ordinance, 2015 (XXVI of 2015) is hereby repealed.

Rai Mumtaz Hussain Babar
Secretary