# SENATE OF PAKISTAN


**REPORT NO. 23**

## REPORT OF THE SENATE STANDING COMMITTEE ON NATIONAL HEALTH SERVICES, REGULATIONS AND COORDINATION

**ON**

"THE ISLAMABAD CAPITAL TERRITORY PROTECTION OF BREAST-FEEDING AND CHILD NUTRITION BILL, 2023"

**PRESENTED BY**

**Senator Dr. Muhammad Humayun Mohmand**

**Chairman**

**Standing Committee on National Health Services, Regulations and Coordination**

# SENATE SECRETARIAT

## REPORT OF THE STANDING COMMITTEE ON NATIONAL HEALTH SERVICES, REGULATIONS AND COORDINATION ON "THE ISLAMABAD CAPITAL TERRITORY PROTECTION OF BREAST-FEEDING AND CHILD NUTRITION BILL, 2023"

I, Senator Dr. Muhammad Humayun Mohmand, Chairman Standing Committee on Standing Committee on National Health Services, Regulations and Coordination, have the honor to submit, on behalf of the Committee, this report on "the Islamabad Capital Territory Protection of Breast-Feeding and Child Nutrition Bill, 2023" as Introduced in the Senate of Pakistan and referred to the Committee for consideration and report.

2. The composition of the Committee is as under:-

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| **1. Senator Dr. Muhammad Humayun Mohmand** | **Chairman** |
| 2. Senator Prof. Dr. Mehr Taj Roghani | Member |
| 3. Senator Fawzia Arshad | Member |
| 4. Saenator Dr. Zarqa Suharwrdi Taimur | Member |
| 5. Senator Sana Jamali | Member |
| 6. Senator Dilawar Khan | Member |
| 7. Senator Rubina Khalid | Member |
| 8. Senator Jam Mahtab Hussain Dahar | Member |
| 9. Senator Bahramand Khan Tangi | Member |
| 10. Senator Hafiz Abdul Karim | Member |
| 11. Senator Muhammad Asad Ali Khan Junejo | Member |
| 12. Senator Sardar Muhammad Shafiq Tareen | Member |
| 13. Senator Syed Faisal Ali Subzwari | Member |

14. Minister for National Health Services, Regulation and Coordination — Ex-Officio Member

3. The Committee considered the Bill and held comprehensive discussion on it in its meeting held on 19th February, 2024, under the chairmanship of Senator Dr. Muhammad Humayun Mohmand, with the following in attendance:

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| **1.** | **Senator Dr. Muhammad Humayun Mohmand** | **Chairman** |
| 2. | Senator Prof. Dr. Mehr Taj Roghani | Member |
| 3. | Senator Bahramand Khan Tangi | Member |
| 4. | Senator Sana Jamali | Member |
| 5. | Senator Rubina Khalid | Member |
| 6. | Senator Shahadat Awan | Mover |

4. Brief background of discussions on the Bill is that "the Islamabad Capital Territory Protection of Breast-Feeding and Child Nutrition Bill, 2023" primarily seeks to provide breast feeding is widely accepted and appreciated all over the world as an infant health is associated and best served only through mother's milk and it is advisable by the paediatricians all over the world, to keep the child up to the age of two years on mother's feed. While realizing the significance of the said subject, the Federal Government introduced an Ordinance, named as the Protection of Breastfeeding and Young Child Nutrition Ordinance, 2002, but since then, it has not been implemented in the letter and spirit.

5. The Bill (Annexure-A) was presented before the Committee, after deliberation the committee unanimously passed the bill with the following amendments namely.-

(i) In clause 2, in the following amendments shall be made namely.-

(a) After paragraph (a) a new clause (b) shall be inserted namely and rest of the clauses shall be renumbered accordingly.

"(b) "Artificial Feeding" means feeding with any manufactured food product including but not limited to infant formula, lactose free/ ISOMIL, follow up formula and grown-up formula and any manufactured food product for infant and young children as defined in this Act, which replaces breast milk either partially or totally;".

(b) After the renumbered clause (e) the following new clause (f) shall be inserted namely and rest of the clauses shall be renumbered accordingly.

"(f) "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;".

(c) After the inserted clause (f) the following new clause (g) shall be inserted namely and rest of the clauses shall be renumbered accordingly.

"(g) "Brand name" means a name given by the manufacturer or the marketing agency to a product or range of products;".

(d) After the renumbered clause (i) the following new clause (j) shall be inserted namely and rest of the clauses shall be renumbered accordingly.

"(j) "Cross-promotion" means the use of similar brand names, packaging designs, labels, text, images, color schemes, symbols or slogans or other means for the purpose of promoting another product meaning thereby that the name and container of the product must not resemble another designated product;".

(e) After the renumbered clause (p) the following new clause (q) shall be inserted namely and rest of the clauses shall be renumbered accordingly.

"(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:

a) nutrient function claim that describes the physiological role of the nutrient in growth, development and normal functions of the body;
b) 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
c) 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;".

(f) After the renumbered clause (t) the following new clause (u) shall be inserted namely and rest of the clauses shall be renumbered accordingly.

"(u) "Infant formula" means an animal or vegetable-based milk product (halal) manufactured in accordance with the standards recommended by the Codex Alimentarius Commission, in addition to halal requirement and the Codex code of hygienic practice for food for infants able to satisfy the normal nutritional requirement of an infant up to the age of 6 months;".

(g) After the renumbered clause (w) the following new clause (x) shall be inserted namely and rest of the clauses shall be renumbered accordingly.

"(x) "Labelling" 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;".

(h) After the renumbered clause (aa) the following new clause (bb) shall be inserted namely and rest of the clauses shall be renumbered accordingly.

"(bb) "Minister" means Federal Minister for National Health Services, Regulations &Coordination;".

(i) After the renumbered clause (ee) the following new clause (gg) shall be inserted namely and rest of the clauses shall be renumbered accordingly.

"(gg) "Representative means representative of the Business;".

(j) After the renumbered clause (hh) the following new clause (ii) shall be inserted namely and rest of the clauses shall be renumbered accordingly.

"(ii) "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;".

(k) After the renumbered clause (jj) the following new clause (kk) shall be inserted namely and rest of the clauses shall be renumbered accordingly.

"(kk) "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 from 12 months of age;".

(ii) After Clause 2, the following new clause 3,4,5,6,7 and 8 shall inserted namely and rest of the clauses shall be renumbered accordingly.-

"3. **Sale of a designated product.**- A person shall not distribute for sale, sell, stock or exhibit for sale any designated product that is not registered with the Board.

4. **Promotion.**- (1) A business shall not promote any designated product. Prohibited promotional practices include but are not limited to:

(a) advertising or any other form of promotion and marketing (excluding sale) of designated products for the children up to the age of 36 months;
(b) sales devices such as special displays, discount coupons, premiums, rebates, special sales, loss-leaders, tie-in sales, prizes or gifts;
(c) giving of any sample of a designated product to any person or healthcare facility, health professional and health worker;
(d) donation 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) the use of health or nutrition claims on labels of designated products or in any information and education materials referring to infant and young child feeding,

(f) cross-promotion of a designated product

(g) No designated product shall be available in nurseries, child delivery room and birth ward without the prescription of Paediatrician or Health Professional;

(h) 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.

(i) No business or its representative shall be allowed to visit healthcare facility, health professional and health worker in person to promote and market designated product. Educational and information material related to designated product may be provided by the business to the healthcare facility, health professional and health worker by using post or via email.

(j) No business shall in furtherance of or for the purposes of its business of designated product shall contact, directly or indirectly with general public including sponsorship of the events, baby clubs, social media groups, child care classes, contests and any other means.

(2) A business or its representatives or any person on behalf of business shall not provide samples of designated products to any person or health facility, health professional and health worker.

(3) A business or its representatives or any person on behalf of business shall not 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;

(4) A business or its representatives or any person on behalf of business shall not 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.

(5) A business or its representatives or any person on behalf of business shall not 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;

(6) No business shall in furtherance of or for the purposes of its business of designated product shall contact, directly or indirectly, offer or give any gift, contribution, sponsorship, benefit, financial or otherwise, of whatever value to a health facility, health professional and health worker, including but not limited to fellowships, research grants or funding for meetings, seminars, continuing education courses or conferences;

(7) Designated products can only be sold at the pharmacies and other authorized places as approved by the board.

**5. Labelling of Designated Product.**- (1) No designated product shall be marketed or sold in the Islamabad Capital territory unless its label is in accordance with the provision of this Act and the rules, and approved in the manner as may be prescribed by Federal Government;

Provided that for any designated product already being sold in the Islamabad Capital territory, a manufacturer or distributor shall, provide for the label of such product

within one hundred and eighty days of its approval in the manner as may be prescribed.

(2) Label of a designated product shall be designed so as not to discourage breastfeeding and shall provide the necessary information in Urdu about the appropriate use of such products and the age before which a designated product should not be used;

(3) Every container shall have 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 manufacturers, in English as well.

(4) any label, container, and marketing material of designated products shall not include any image, text or other representation that might suggest use for infant and young child.

(5) The label shall-

a. **The word "Milk" or دودھ shall not be mentioned on the related designated product itself or on any promotional/ educational material.**
b. **Infant Formula, Follow-up Formula and Grown-up Formula shall be clearly distinguishable in name and in design from each other.**
c. **Every container of designated product shall bear the following label/warning in Urdu as per its respective category.**

**Phrase should be incorporated below the brand name Urdu language (Nastleeq font).**

For Infant Formula (from birth to 06 months) and

for Infant Formula (after 06 months to one year, respectively

- یہ پیدائش سے چھ ماہ کے بچوں کے لئے غذائی فارمولا ہے۔ یہ قدرتی دودھ نہیں ہے۔
- یہ چھ ماہ سے ایک سال کے بچوں کے لئے غذائی فارمولا ہے۔ یہ قدرتی دودھ نہیں ہے۔

For Follow up Formula (After 12 months to 3 years)

- یہ ایک سے تین سال کے بچوں کے لئے غذائی فارمولا ہے۔ یہ قدرتی دودھ نہیں ہے۔

**Phrase that should be incorporated on back side of labels/packaging in visible font in Urdu language (Nastleeq font).**

- استعمال سے پہلے ہدایات ضرور پڑھیں۔
- ماں دو سال تک بچے کو اپنا دودھ پلائے۔
- پیکٹ کھولنے کے بعد پراڈکٹ کو ہوابند ڈبے میں محفوظ کریں۔

**d. List of ingredients shall be mentioned on the designated product.**

**e. Word Halal should be mentioned on the designated Product.**

**f. The Label shall be as per the standards prescribed by the Board.**

**g. The batch number, place of manufacturing, place of packaging, date of manufacture and expiry date.**

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

**i. 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 DIORHOEA AND OTHER ILLNESSESS";

***j. Labelling and Design of the container and all educational material shall be duly approved by the Board or its authorized officer before distribution, marketing and selling.***

k. No photographs, drawings or graphics may be used to illustrate except graphics on the correct method of preparation.

(6) Labels 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 the size of the characters in the product name, and in no case less than 1.5mm in height;

ii. has preparation instructions for infant or follow-up formula in powdered form that state that:

l. powdered formula is not sterile and may be contaminated with pathogenic microorganisms during the manufacturing process or may become contaminated during preparation;

ii. 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

iii. any unused milk must be discarded immediately after every feed.

iii. includes a feeding chart in the preparation instructions;

iv. does not use the terms "maternalised", "humanised" or terms similar thereto or any comparison with breastmilk;

v. does not use text that may tend to discourage breastfeeding; and

vi. does not specify the source of the protein

*6.* **Prohibitions related to labelling 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: (a) 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.

7. ***Informational and educational material.*** (1) Businesses or their representatives shall not produce or distribute any informational or promotional materials. Any other person who produces or distributes any informational and educational materials referred in this section shall submit copies thereof to.

(2) The Board as may be prescribed Informational and educational materials, whether written, audio or visual, which refer to infant and young child feeding shall:

a. contain only correct scientific information and shall not use any pictures, graphics or text that encourage bottle-feeding or discourage breast-feeding.
b. be written in [Urdu apart from English];
c. not give an impression or create a belief that a designated product is equivalent to, comparable with or superior to breastmilk or to breastfeeding;
d. not contain the brand name or logo of any designated product nor of any manufacturer or distributor of a designated product; provided that this clause shall not be applicable to information about designated products intended for health professionals; and
e. clearly and conspicuously explain each of the following points:
    i. the benefits and superiority of breastfeeding;
    ii. the value of exclusive breastfeeding for six months followed by sustained breastfeeding for two years or beyond;
    iii. how to initiate and maintain exclusive and continued breastfeeding;
    iv. why it is difficult to reverse a decision not to breastfeed;
    v. the importance of introducing complementary foods from the age of six months;
    vi. 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
    vii. that 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 must also include the following points:

f. instructions for the proper preparation, storage and use of the product including cleaning and sterilisation of feeding utensils;
g. how to feed infants with a cup;
h. the health risks of artificial feeding, the use of a feeding bottle and improper preparation of the product;
i. explain that:
    i. powdered formula is not sterile and may be contaminated with pathogenic microorganisms during the manufacturing process or may become contaminated during preparation;
    ii. 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; and any unused milk must be discarded immediately after every feed.
j. the approximate financial cost of feeding an infant or a young child with such a product in the recommended quantities and
k. that the practice of providing follow-up formula and young child formula is not necessary.
l. 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.

(4) Manufacturers and distributors may give materials about designated products to health professionals if such materials:

a. are restricted to scientific and factual matters regarding the technical aspects and methods of use of the product;
b. provide references to published 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
c. are otherwise in accordance with the other requirements of this Act.

(5) Federal Government shall, in consultation with the Board, arrange for 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.

*8.* **Health Professional and Health Care Facilities.-**

(1) Health Professional and Health workers shall encourage, support and protect breastfeeding. They should be expected to know the provisions of this Act and to implement the same

(2) 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

(3) Health workers and their Associations shall not:

a. promote in any way whatsoever, any designated product;
b. accept equipment or services from companies that market foods for infants and young children;
c. accept gifts or incentives from such companies;
d. allow health facilities to be used for commercial events, contests or campaigns;
e. allow companies that market foods for infants and young children to distribute any gifts or coupons to parents, caregivers and families through health facilities;
f. allow such companies to directly or indirectly provide education in health facilities to parents and other caregivers;
g. allow such companies to sponsor meetings of health professionals and scientific meetings.

(4) Health workers falling within the jurisdiction of Islamabad Capital Territory 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.

(5) These shall be kept posted in every health care facility in, Urdu and English, as may be deemed appropriate by the health care facility, such abstracts of this Act as may be prescribed by the Federal Government, for this purpose.

(6) Health Professional and Health workers shall encourage, support and protect breastfeeding and shall submit in this regard a report in writing to the Board or Designated Officer by the Board after every six months."

(iii) In the renumbered Clause 9, sub-clause 2,4 and 5 shall be omitted.

(iv) After the renumbered Clause 9, the following new clause 10 shall be inserted namely.-

**"10. Composition of the Board.**- The Board shall be composed of the following members:

| **Designation** | **Role** |
|---|---|
| Minister/Minister of State for Health | Chairman |
| Secretary of MoNHSR&C/Representative | Ex. officio member |
| Director General Health, MoNHSR&C | Deputy Chairman |
| Nutrition Director, Nutrition Wing of MoNHSR&C | Secretary |
| Representative from Drug Regulatory Authority (DRAP): Federal | Member |
| Provincial Health Secretary, Punjab | Member |
| Provincial Director General Health, Punjab | Member |
| Director General, Food Authority, Punjab | Member |
| Chairman of Health Care Commission, Punjab | Member |
| Provincial Health Secretary, Sindh | Member |
| Provincial Director General Health, Sindh | Member |
| Director General, Food Authority, Sindh | Member |
| Chairman of Health Care Commission, Sindh | Member |
| Provincial Health Secretary, Balochistan | Member |
| Provincial Director General Health, Balochistan | Member |
| Director General, Food Authority, Balochistan | Member |
| Chairman of Health Care Commission, Balochistan | Member |
| Provincial Health Secretary, KP& NMTD | Member |
| Provincial Director General Health, KP&NMTD | Member |
| Director General, Food Authority, KP& NMTD | Member |
| Chairman of Health Care Commission, KP&NMTD | Member |
| Health Secretary, Gilgit Baltistan | Member |
| Director General Health, Gilgit Baltistan | Member |
| Health Secretary, AJK | Member |
| Director General Health, AJK | Member |
| General Secretary, Pakistan Paediatrics Association | Member |
| Head of the Department of Paediatrics, PIMS, Islamabad | Member |
| Head of the Department of Gynae& Obs, PIMS, Islamabad | Member |
| Dean, Institute of Child Health & Children Hospital, Lahore | Member |
| Dean, National Institute of Child Health (NICH), Karachi | Member |
| Head of Paediatric department, BMC, Quetta | Member |
| Head of Paediatric department, KMU, Peshawar KP | Member |
| General Secretary, Pakistan Pharmaceutical Association (PPHA) | Member |
| Head of Paediatric Department, AKU, Karachi | Member |
| The network for consumer protection | Member |
| Any Co-opt member nominated by Board * | |

(v) In the renumbered Clause 11, at the end of sub-clause 4 the following proviso shall be inserted namely.-

"Provided that not less than a 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".

(vi) In the renumbered Clause 13, after paragraph (j) the following new paragraph (k) shall be inserted and rest of the clauses shall be renumbered accordingly.

"(k) to advise and propose guidelines to Federal Government on the establishment of an effective and sustainable monitoring system in accordance with the WHO/UNICEF Net Code protocol for on-going monitoring;".

(vii) After the renumbered Clause 14, the following new clause 15, shall be inserted and rest of the paragraphs shall be renumbered accordingly.

"**15. Procedure for the meeting of the Board:** The secretary of the board shall call meeting of the Board, at the direction of the chairperson, and maintain minutes of such meetings. 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."

(viii) The renumbered Clause 18, shall be omitted and rest of the clauses shall be renumbered accordingly.

(ix) The renumbered Clause 19, shall be omitted and rest of the clauses shall be renumbered accordingly.

(x) after the renumbered Clause 19, the following new clause 20, shall be inserted namely and rest of the clauses shall be renumbered accordingly.

**"20. Suspension or revocation of professional license. -**

(1) 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, may recommend to Federal Government to suspend or cancel, his license for the practice of his profession or occupation or for the pursuit of his business.

(2) Where any health professional has been found to have contravened any provision of this Act, or the Regulations pursuant thereto, the Board after giving such person an opportunity of being heard may recommend to the relevant authority the suspension or revocation of any license for the practice of that person's profession."

(xi) The renumbered Clause 21, 22, 23 and 24 shall be omitted and rest of the clauses shall be renumbered accordingly.

(xii) After the renumbered Clause 20, the following new clauses 21, 22, 23, 24 ,25, 26, 27, 28 and 29 shall be inserted namely and rest of the clauses shall be renumbered accordingly.

"**21. Appeal**

(1) The first appeal shall lie before the Director General against the order passed by the Inspector within a period of 15 days of the order.

(2) The appeal against the order passed by the Director General will lie before the Secretary of Ministry of National Health Services, Regulation and Coordination and members of board within a period of 30 days of the order.

**22. Fund.** – (1) There shall be established a fund to be known as the Board Fund to be administered and controlled by the Board.

(2) The Board Fund shall consist of–

(a) funds provided by the Federal Government;

(b) loans or grants by the Federal Government;

(c) other loans or funds obtained by the Board;

(d) grants and loans negotiated and raised, or otherwise obtained, by the Board with the prior approval of the Federal Government;

(e) fee, charges, rentals and fines collected by the Board;

(f) income from the lease or sale of the property;

(g) funds from floating bonds, shares, debentures, certificates, or other securities issued by the Board; and

(h) all other sums received by the Board.

(3) The Board shall meet all of its expenses from the Fund.

(4) It shall be the duty of the Board to conserve the board Fund while performing its functions and exercising its powers under this Act.

**23. Bank accounts.** – The Board may open and maintain its accounts at such scheduled banks as may be prescribed, and until so prescribed, as the Federal Government may determine.

**24. Budget and accounts.** – (1) The Board shall maintain proper accounts and other records relating to its financial affairs including its income and expenditures and its assets and liabilities in such form and manner as may be prescribed.

(2) 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.

(3) The Board shall approve its annual budget for a financial year in the prescribed manner.

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

**25. Audit.** – (1) The Auditor General of Pakistan shall annually audit the accounts of the Board.

(2) The Federal Government, in addition to the audit under sub-section (1), shall cause the accounts of the Board annually audited by a Chartered Accountant or a firm of Chartered Accountants.

(3) The auditor appointed under sub-section (2) shall be provided such access to the books, accounts and other documents as may be considered necessary for the audit of accounts.

(4) The auditor shall submit the annual or any special audit report to the Food Authority, and the Board, under intimation to the Federal Government, shall take appropriate remedial or other action in the light of the audit report.

**26. Annual report.** – (1) The board shall, within three months of the close of a financial year, submit to the Federal Government an annual performance report.

(2) The report shall consist of–

(a) the statement of accounts and audit reports of the Board;

(b) a comprehensive statement of the work and activities of the Board during the preceding financial year and its proposed projects and schemes; and

(c) such other matters as may be prescribed or as the Board may consider appropriate.

(3) The Federal Government shall, within two months of receiving the report from the Board, give notice for laying the report in the National Assembly, and shall lay the report in the first available session of the Assembly.

**27. Monitoring and evaluation.** – (1) The Federal Government 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.

(2) The Federal Government shall evaluate the report mentioned in subsection (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.

**28. Delegation of powers.** – 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–

(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.

**29. Reward by the Board.** – The Board may, in the manner prescribed make payment of reward from the Board Fund to any person who has made an exceptional effort towards accomplishing the objective of this Act."

(xiii) After the renumbered Clause 31, the following new clause 22, shall be inserted namely and rest of the clauses shall be renumbered accordingly.

"**32. Bar of jurisdiction.** – A civil court shall not entertain a suit or an application against any proceedings taken or order made under this Act."

(ivx) After the renumbered Clause 36, the following new clause 37, shall be inserted namely.-

"**37. Power to remove difficulties.** – Federal 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."

6. Accordingly, the Committee recommends that "the Islamabad Capital Territory Protection of Breast-Feeding and Child Nutrition Bill, 2023", as reported by the Committee may be passed by the House, (Copy of the Bill as reported by the Committee is Annexed as "B").

**(Muhammad Shafiq)**
Secretary Committee

**(Senator Dr. Muhammad Humayun Mohmand)**
Chairman, Committee

**[AS INTRODUCED IN THE SENATE]** ANNEXURE-A

**A**

**BILL**

*to make provisions 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 by promoting and protecting breast-feeding and by regulating the marketing and promotion of designated products including breast-milk substitutes, feeding bottles, valves for feeding bottles, nipple shields, teats and pacifiers and to provide for matters connected therewith and ancillary thereto;

It is hereby enacted as follows:-

## CHAPTER-1
## INTRODUCTORY

**1. Short title, extent and commencement.** - (1) This Act may be called the Islamabad Capital Territory Protection of Breast-Feeding and Child Nutrition Act, *2023.*

**(2)** It extends to the Islamabad Capital Territory.

**(3.)** It shall come into force at once.

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

(a) "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,-

(i) written publication, television, radio, film, electronic transmission including the internet, social media, video, telephone or mobile application;

(ii) display of signs, billboards or notices; or

(iii) exhibition of pictures or models;

(b) "baby food" means the infant formula, lactose free/ISOMIL, follow-up formula, grown-up formula and any other food manufactures or marketed for the infants and young children;

(c) "board" means the Islamabad Capital Territory Board for Protection of Breast-Feeding and Child Nutrition;

(d) "bottle feeding" means feeding liquid or semi-solid food from a bottle with nipple;

(e) "complementary food" means any food suitable as an addition to breast-milk or to a breast milk substitute when either become insufficient to satisfy the nutritional requirements of an infant, also commonly called "weaning food", or "breast-milk and young child substitute";

(f) "container" means any form of packaging of a designated product for sale as a retail unit;

(g) "designated product" means and includes,-

(i) any other product marketed or otherwise represented as suitable for feeding infants up to the age of six months and above;

(ii) complementary food product;

(iii) follow-up formula;

(iv) feeding bottles, teats and pacifiers;

(v) infant formula represented as a partial or total replacement for mother's milk, whether or not it is suitable for such replacement;

(vi) such other products as may be declared by the Board to be as a "designated product" for the purposes of this Act; and

(vii) young child/grow-up formula;

(h) "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 relations and information services;

(i) "feeding bottle" means any bottle or receptacle marketed for the purpose of feeding an infant or a young child;

(j) "follow-up formula" means a formula or formula-like product of animals 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;

(k) "Government" means the Federal Government;

(l) "health care facility" means a Government, non-Government, semi-Government or private institution or organization, or private medical practitioner engaged, directly or indirectly, in the provision of health care to infants, young children, pregnant women or mothers and includes a day-care centre, nursery and any other child-care institution;

(m) "health professional" means a medical practitioner, nurse, nutritionist or such other person with a professional degree, diploma or license, as may be specified by the Ministry of National Health Services, Regulations and Coordination by a notification in the official Gazette;

(n) "health worker" means any person providing services to infants, young children, pregnant women or mothers, as a medical practitioner and includes a health professional, homeopath, hakim, nurse, midwife, traditional birth attendant, pharmacist, dispensed chemist, nutritionist, hospital administrator or employee, whether professional or not, whether paid or not, any other person providing such services or in a training to provide health care services in a health care facility, whether professional or non-professional, including community midwife or voluntary unpaid worker, as the Federal Government may, by notification in the official Gazette specify;

(o) "infant" means a child up to the age of twelve months;

(p) "inspector" means an inspector appointed by the board;

(q) "label" of "labelling" means a tag, mark, pictorial or other descriptive matter, written, printed, stencilled, marked, embossed, attached or otherwise appearing on a container of a designated product, which includes packaging and insets;

(r) "logo" means an emblem, picture or symbol by means of which a company or a designated product is identified;

(s) "manufacturer" means a person, corporation or other entity engaged or involved in the business of producing, processing, compounding, formulating, filling, packing, repacking, altering, ornamenting, finishing and labelling a designated product, whether directly, through an agent, or through a person controlled by or under an agreement;

(t) "market" or "marketing" means any method of introducing or selling a designated product and includes, but not limited to, promotion, distribution, advertising, distribution of samples, product public relations and product information;

(u) "pacifier" means an artificial teat or feeding bottle for babies to such also referred to as dummy;

(v) "person" means any individual, partnership, association, unincorporated organization, company, corporation, trustee, agent or any group of persons;

(w) "promotion of a designated product" means to employ any method directly or indirectly, encouraging a person, a health facility, health professional and health worker or any other entity including the business to purchase or use of a designated product, whether or not there is reference to a brand time, but does not include any prescription issued by a medical practitioner based on health grounds;

(x) "regulations & rules" means the regulations and rules made under this Act;

(y) "sample" means any quantity of a designated product without cost or on reduced price for the promotion or advertisement of a designated product; and

(z) "young child" means a child from the age of one year to the age of three years.

## CHAPTER-II
## ADMINISTRATION

**3. Establishment of the Board.-** (1) The Federal Government shall, by notification in the official Gazette, establish the Islamabad Capital Territory Protection of Breast-Feeding and Child Nutrition Board.

(2) Minister/Minster of State for National Health Services, Regulations and Coordination shall be the Chairperson of the Board.

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

(4) The Board shall consist of a Chairperson, a Secretary and not more than such number of members, as the Federal Government may prescribe:

Provided that not less than half of the total number of the Members of the Board shall comprise of such persons who are professionally qualified with respect to infant and young child nutrition and at least one member of the Board shall be selected from the industry involved in the manufacturing and marketing of designated products.

(5) The Secretary, Ministry of National Health Services, Regulations and Coordination shall act as ex-officio member of the Board.

**4. Terms and conditions of the Chairperson and the Members of the Board.-** (1) The Federal Government shall nominate and notify the Chairperson and the Members of the Board.

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

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

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

**5. Removal of the Chairperson and the Members of the Board.-** (1) The Federal Government may, remove the Chairperson or a member, other than ex-officio member, from the Board, if he,-

(a) has been declared as an discharged solvent; or

(b) has been convicted of an offence which involves moral turpitude; or

(c) has become physically or mentally incapable of acting as the Chairperson or the member; or

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

(e) has entered into any direct or indirect relationship with or has accepted funding or any other form of support from a private sector entity that manufactures or distributes designated products under this Act.

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

**6. Powers and functions of the Board.-** (1) The Board shall regulate and monitor the business as per the provisions of this Act.

(2) The Board shall be the sole authority to,-

(a) formulate method of sampling, analysis of samples and reporting of results;

(b) set standards of designated products including labelling requirement whether imported or locally manufactured;

(c) specify procedures and guidelines for setting-up and accreditation of food laboratories;

(d) specify licensing, prohibition orders, fine, recall procedures, improvement notices or prosecution;

(e) provide scientific advice and technical support to the Federal Government in matters relating to designated products;

(f) to issue instructions to inspectors as to actions to be taken, 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;

(g) to receive reports of violation of the provisions of this Act or rules;

(h) to recommend investigation of cases against manufactures, distributors or health workers found to be violating the provision of this Act or rules;

(i) to plan for and coordinate the dissemination of informational and educational materials on the topic of infant-feeding and recommend continuing awareness courses for health workers on topics related to this Act;

(j) to frame rules and regulations under the Act to achieve the purpose of this Act for approval by competent authority; and

(k) perform any other function to achieve the objective of this Act.

(3) The Board shall also oversee the following activities for quality and compliance,-

(a) collect and analyze relevant scientific and technical data relating to the designated products;

(b) certify designated product for exports;

(c) levy fee for registration, licensing and other services; and

(d) organize training programmes to promote purpose of this Act;

**7. Powers and functions of the Secretary of the Board.-** (1) The Secretary of the Board shall have the power to designate any employee of the Ministry as a Coordinator for implementing actions prescribed by the Board and any staff, required to implement the activities prescribed by the Board.

(2) The Secretary of the Board shall call meetings of the Board, at the direction of the Chairperson and maintain minutes of such meetings.

(3) The Coordinator, subject to control and scrutiny 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.

(4) The Coordinator shall exercise such powers, as may be prescribed, or delegated to him by the Board.

## CHAPTER-III
## REGISTRATION OF DESIGNATED PRODUCTS AND QUALITY ASSURANCE

**8. Registration of designated products.-** (1) The Board shall cause all designated products to be registered in accordance with such conditions and procedures, as may be prescribed.

(2) Once the registration of a designated product has been approved, a Certificate of Registration shall be issued.

**9. Quality assurance.-** (1) No designated product shall be manufactured, sold or otherwise distribute in Pakistan, unless it is formulated industrially in accordance with the standards, recommended by the Codex Alimentarius Commission and the Codex Code of Hygiene Practice for Food for Infants and Children, and in addition, shall meet such applicable standards specified in this Act and the rules.

(2) The Board may require an Inspector or any other person with powers under this Act, to test any designated product sold in Pakistan, in order to determine whether or not it is fit for human consumption.

(3) A designated product, which does not meet the standards for use in the country of manufacture, shall not be sold in Pakistan.

(4) A designated product, which has reached the expiry date shall not be marketed, sold or distributed.

(5) A designated product shall be sold only in the original container in order to prevent quality deterioration, adulteration or contamination thereof.

## CHAPTER-IV
## PENALTIES

**10. Inspectors.-** (1) The Board shall, appoint such persons as it deem fit, having the prescribed qualifications for the purpose of this Act, to be Inspectors within such local limits as it may assign to them respectively:

Provided that no person who have any direct or indirect financial interest in any designated product shall be so appointed.

(2) Notwithstanding anything contained in this section, the Board, in public interest, may confer the powers of an Inspector to any government servant.

**11. Powers of inspectors.-** An Inspector may, within the local limits, to which he or she is appointed,-

(a) exercise such other powers as may be prescribed by the Board;

(b) inspect and investigate any premises, where any designated product is imported, manufactured, sold, stocked, exhibited for sale, advertised or promoted;

(c) impose fine on the business which violate the provisions of this Act or regulations made thereunder;

(d) seal an institute, which violate the provisions of this Act or regulations; and

(e) seize any designated product found in violation of this Act and the regulations made thereunder.

**12. Investigation and filing of case.-** (1) After an inspection for purposes of this Act, an Inspector shall refer the case, to the Board.

(2) Upon completion of an investigation and receipt of a complete report and after giving the concerned party an opportunity of being heard, the Board, along its opinion, shall forward such report to the Ministry.

(3) The Ministry may consider the report and reduce its findings in the form of writing and in-case, the concerned party has been found guilty under the provision of this Act, such case would be forwarded to the Session Court.

**13. Punishments.-** (1) If any business or any person on its behalf contravenes or violates the provisions of this Act, shall be punishable with imprisonment which shall not be less than four years, or with fine which shall extend to five hundred thousand rupees, but shall not be less than one hundred thousand rupees or with both.

(2) If any business, commits an offence more than once, under the provisions of this Act, he shall be liable to,-

(a) twice the punishment of imprisonment and fine, provided under sub-section (1); and

(ii) the license of a business mentioned in sub-section (1) may be cancelled;

(3) 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 instruction issued by it or implemented by it, such organizations, in addition to the individuals directly responsible for the commission of such offence, may be declared guilty.

**14. Cognizance of cases.-** All offences under this Act shall be non-cognizable.

**15. Trial of cases.-** No Court inferior to that of the Session Court shall have jurisdiction to try cases under this Act.

**16. Appeal.-** An appeal against the final order of the Court of Session, shall lie to the High Court within thirty days of the passing of such order.

**17. Code of Criminal Procedure and Qanun-e-Shahadat Order to apply.-** The Code of Criminal Procedure, 1898 (Act No. V of 1898) and the Qanun-e-Shahadat Order, 1984 (P.O. No. 10 of 1984), shall mutatis mutandis apply to the proceedings under this Act.

**18. Public Servants.-** The Chairperson, the 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, within the meaning of section 21 of the Pakistan Penal Code, 1860 (XLV of 1860).

**19. Immunity.-** No prosecution or other legal proceedings shall lie against the Federal Government, any of its officer, 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.

**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.

**21. Power to make rules.-** The Federal Government, may make rules for carrying out the purposes of this Act.

**22. Power to make regulations.-** Subject to this Act, the Board may, make regulations to give effect to the provisions of this Act.

**23. Repeal and savings.-** (1) The Protection of Breast Feeding and Child Nutrition Ordinance, 2002 (Ordinance No. XCIII of 2002), to extent of the Islamabad Capital Territory is hereby repealed.

(2) Notwithstanding the aforesaid repeal, anything done, action taken, rules made and notification or order issued under the aforesaid Act, shall, so far as it is not inconsistent with the provisions of this Act, be deemed to have been done, taken, made or issued, under this Act and shall have effect accordingly.

## STATEMENT OF OBJECTS AND REASONS

The concept of breast feeding is widely accepted and appreciated all over the world, as an infant health is associated and best served only through mother's milk and it is advisable by the paediatricians all over the world, to keep the child up to the age of two years on mother's feed. While realizing the significance of the said subject, the Federal Government introduced an Ordinance, named as the Protection of Breastfeeding and Young Child Nutrition Ordinance, 2002, but since, then, it has been not implemented in the latter and spirit. After Constitution (18th Amendment) Act, 2010, subject of health has been devolved to provinces. So, it becomes the need of hour to improve and strengthen legislation related to this subject and as health is a provincial subject, Parliament can only legislate on it only to the extent of the Islamabad Capital Territory. Hence, this bill has been introduced for promotion and support of breast feeding in the Federal Capital.

2. This bill is aimed to achieve the above-said objective.

**PROF. DR. MEHR TAJ ROGHANI**
**Member-In-Charge**

**[AS REPORTED BY THE COMMITTEE] Annexure-B**

**A**

**BILL**

*to make provisions 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 by promoting and protecting breast-feeding and by regulating the marketing and promotion of designated products including breast-milk substitutes, feeding bottles, valves for feeding bottles, nipple shields, teats and pacifiers and to provide for matters connected therewith and ancillary thereto;

It is hereby enacted as follows:-

## CHAPTER-1
## INTRODUCTORY

**1. Short title, extent and commencement.** - (1) This Act may be called the Islamabad Capital Territory Protection of Breast-Feeding and Child Nutrition Act, *2023.*

**(2)** It extends to the Islamabad Capital Territory.

**(3)** It shall come into force at once.

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

(a) "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,-

(i) written publication, television, radio, film, electronic transmission including the internet, social media, video, telephone or mobile application;

(ii) display of signs, billboards or notices; or

(iii) exhibition of pictures or models;

(b) "Artificial Feeding" means feeding with any manufactured food product including but not limited to infant formula, lactose free/ ISOMIL, follow up formula and grown-up formula and any manufactured food product for infant and young children as defined in this Act, which replaces breast milk either partially or totally;

(c) "baby food" means the infant formula, lactose free/ISOMIL, follow-up

formula, grown-up formula and any other food manufactures or marketed for the infants and young children;

(d) "board" means the Islamabad Capital Territory Board for Protection of Breast-Feeding and Child Nutrition;

(e) "bottle feeding" means feeding liquid or semi-solid food from a bottle with nipple;

(f) "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;

(g) "Brand name" means a name given by the manufacturer or the marketing agency to a product or range of products;

(h) "complementary food" means any food suitable as an addition to breast-milk or to a breast milk substitute when either become insufficient to satisfy the nutritional requirements of an infant, also commonly called "weaning food", or "breast-milk and young child substitute";

(i) "container" means any form of packaging of a designated product for sale as a retail unit;

(j) "Cross-promotion" means the use of similar brand names, packaging designs, labels, text, images, color schemes, symbols or slogans or other means for the purpose of promoting another product meaning thereby that the name and container of the product must not resemble another designated product;

(k) "designated product" means and includes,-

(i) any other product marketed or otherwise represented as suitable for feeding infants up to the age of six months and above;

(ii) complementary food product;

(iii) follow-up formula;

(iv) feeding bottles, teats and pacifiers;

(v) infant formula represented as a partial or total replacement for

mother's milk, whether or not it is suitable for such replacement;

(vi) such other products as may be declared by the Board to be as a "designated product" for the purposes of this Act; and

(vii) young child/grow-up formula;

(l) "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 relations and information services;

(m) "feeding bottle" means any bottle or receptacle marketed for the purpose of feeding an infant or a young child;

(n) "follow-up formula" means a formula or formula-like product of animals 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;

(o) "Government" means the Federal Government;

(p) "health care facility" means a Government, non-Government, semi-Government or private institution or organization, or private medical practitioner engaged, directly or indirectly, in the provision of health care to infants, young children, pregnant women or mothers and includes a day-care centre, nursery and any other child-care institution;

(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:

a) nutrient function claim that describes the physiological role of the nutrient in growth, development and normal functions of the body;
b) 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
c) 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 medical practitioner, nurse, nutritionist or such other person with a professional degree, diploma or license, as may be specified by the Ministry of National Health Services, Regulations and Coordination by a notification in the official Gazette;

(s) "health worker" means any person providing services to infants, young children, pregnant women or mothers, as a medical practitioner and includes a health professional, homeopath, hakim, nurse, midwife, traditional birth attendant, pharmacist, dispensed chemist, nutritionist, hospital administrator or employee, whether professional or not, whether paid or not, any other person providing such services or in a training to provide health care services in a health care facility, whether professional or non-professional, including community midwife or voluntary unpaid worker, as the Federal 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 Codex Alimentarius Commission, in addition to halal requirement and the Codex code of hygienic practice for food for infants able to satisfy the normal nutritional requirement of an infant up to the age of 6 months;

(v) "inspector" means an inspector appointed by the board;

(w) "label" of "labelling" means a tag, mark, pictorial or other descriptive matter, written, printed, stencilled, marked, embossed, attached or otherwise appearing on a container of a designated product, which includes packaging and insets;

(x) "Labelling" 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 a person, corporation or other entity engaged or involved in the business of producing, processing, compounding, formulating, filling, packing, repacking, altering, ornamenting, finishing and labelling a designated product, whether directly, through an agent, or through a person controlled by or under an agreement;

(aa) "market" or "marketing" means any method of introducing or selling a designated product and includes, but not limited to, promotion, distribution, advertising, distribution of samples, product public relations and product information;

(bb) "Minister" means Federal Minister for National Health Services, Regulations &Coordination;

(cc) "pacifier" means an artificial teat or feeding bottle for babies to such also referred to as dummy;

(dd) "person" means any individual, partnership, association, unincorporated organization, company, corporation, trustee, agent or any group of persons;

(ee) "promotion of a designated product" means to employ any method directly or indirectly, encouraging a person, a health facility, health professional and health worker or any other entity including the business to purchase or use of a designated product, whether or not there is reference to a brand time, but does not include any prescription issued by a medical practitioner based on health grounds;

(ff) "regulations & rules" means the regulations and rules made under this Act;

(gg) "Representative means representative of the Business;

(hh) "sample" means any quantity of a designated product without cost or on reduced price for the promotion or advertisement of a designated product;

(ii) "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;

(jj) "young child" means a child from the age of one year to the age of three years; and

(kk) "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 from 12 months of age.

## CHAPTER-II
## ADMINISTRATION

3. **Sale of a designated product.**- A person shall not distribute for sale,

sell, stock or exhibit for sale any designated product that is not registered with the Board.

**4. Promotion.-** (1) A business shall not promote any designated product. Prohibited promotional practices include but are not limited to:

(a) advertising or any other form of promotion and marketing (excluding sale) of designated products for the children up to the age of 36 months;

(b) sales devices such as special displays, discount coupons, premiums, rebates, special sales, loss-leaders, tie-in sales, prizes or gifts;

(c) giving of any sample of a designated product to any person or healthcare facility, health professional and health worker;

(d) donation 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) the use of health or nutrition claims on labels of designated products or in any information and education materials referring to infant and young child feeding,

(f) cross-promotion of a designated product

(g) No designated product shall be available in nurseries, child delivery room and birth ward without the prescription of Paediatrician or Health Professional;

(h) 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.

(i) No business or its representative shall be allowed to visit healthcare facility, health professional and health worker in person to promote and market designated product. Educational and information material related to designated product may be provided by the business to the healthcare facility, health professional and health worker by using post or via email.

(j) No business shall in furtherance of or for the purposes of its business of designated product shall contact, directly or indirectly with general public including sponsorship of the events, baby clubs, social media groups, child care classes, contests and any other means.

(2) A business or its representatives or any person on behalf of business shall not provide samples of designated products to any person or health facility, health professional and health worker.

(3) A business or its representatives or any person on behalf of business shall not 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;

(4) A business or its representatives or any person on behalf of business shall not 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.

(5) A business or its representatives or any person on behalf of business shall

not 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;

(6) No business shall in furtherance of or for the purposes of its business of designated product shall contact, directly or indirectly, offer or give any gift, contribution, sponsorship, benefit, financial or otherwise, of whatever value to a health facility, health professional and health worker, including but not limited to fellowships, research grants or funding for meetings, seminars, continuing education courses or conferences;

(7) Designated products can only be sold at the pharmacies and other authorized places as approved by the board.

**5. Labelling of Designated Product.-** (1) No designated product shall be marketed or sold in the Islamabad Capital territory unless its label is in accordance with the provision of this Act and the rules, and approved in the manner as may be prescribed by Federal Government;

Provided that for any designated product already being sold in the Islamabad Capital territory, a manufacturer or distributor shall, provide for the label of such product within one hundred and eighty days of its approval in the manner as may be prescribed.

(2) Label of a designated product shall be designed so as not to discourage breastfeeding and shall provide the necessary information in Urdu about the appropriate use of such products and the age before which a designated product should not be used;

(3) Every container shall have 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 manufacturers, in English as well.

(4) any label, container, and marketing material of designated products shall not include any image, text or other representation that might suggest use for infant and young child.

(5) The label shall-

a. The word "Milk" or ڈبے shall not be mentioned on the related designated product itself or on any promotional/ educational material.

b. Infant Formula, Follow-up Formula and Grown-up Formula shall be clearly distinguishable in name and in design from each other.

c. Every container of designated product shall bear the following label/warning in Urdu as per its respective category.

Phrase should be incorporated below the brand name Urdu language (Nastleeq font).

For Infant Formula (from birth to 06 months) and

for Infant Formula (after 06 months to one year, respectively

- یہ پیدائش سے چھ ماہ کے بچوں کے لئے غذائی فارمولا ہے۔ یہ قدرتی دودھ نہیں ہے۔
- یہ چھ ماہ سے ایک سال کے بچوں کے لئے غذائی فارمولا ہے۔ یہ قدرتی دودھ نہیں ہے۔

For Follow up Formula (After 12 months to 3 years)

- یہ ایک سے تین سال کے بچوں کے لئے غذائی فارمولا ہے۔ یہ قدرتی دودھ نہیں ہے۔

Phrase that should be incorporated on back side of labels/packaging in visible font in Urdu language (Nastleeq font).

- استعمال سے پہلے ہدایات ضرور پڑھیں۔
- ماں دو سال تک بچے کو اپنا دودھ پلائے۔
- پیکٹ کھولنے کے بعد پراڈکٹ کو ہوابند ڈبے میں محفوظ کریں۔

d. List of ingredients shall be mentioned on the designated product.
e. Word Halal should be mentioned on the designated Product.
f. The Label shall be as per the standards prescribed by the Board.
g. The batch number, place of manufacturing, place of packaging, date of manufacture and expiry date.
h. The scientific method of preparing designated product as per its category shall be mentioned on the container (in Urdu and English)
i. 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 DIORHOEA AND OTHER ILLNESSESS";

*j. Labelling and Design of the container and all educational material shall be duly approved by the Board or its authorized officer before distribution, marketing and selling.*
k. No photographs, drawings or graphics may be used to illustrate except graphics on the correct method of preparation.

(6) Labels 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 the size of the characters in the product name, and in no case less than 1.5mm in height;

ii. has preparation instructions for infant or follow-up formula in powdered form that state that:
   i. powdered formula is not sterile and may be contaminated with pathogenic microorganisms during the manufacturing process or may become contaminated during preparation;
   ii. 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
   iii. any unused milk must be discarded immediately after every feed.

iii. includes a feeding chart in the preparation instructions;

iv. does not use the terms "maternalised", "humanised" or terms similar thereto or any comparison with breastmilk;

v. does not use text that may tend to discourage breastfeeding; and

vi. does not specify the source of the protein

6. **Prohibitions related to labelling 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: (a) 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.

7. **Informational and educational material.** (1) Businesses or their representatives shall not produce or distribute any informational or promotional materials. Any other person who produces or distributes any informational and educational materials referred in this section shall submit copies thereof to.

(2) The Board as may be prescribed Informational and educational materials, whether written, audio or visual, which refer to infant and young child feeding shall:

a. contain only correct scientific information and shall not use any pictures, graphics or text that encourage bottle-feeding or discourage breast-feeding.
b. be written in [Urdu apart from English];
c. not give an impression or create a belief that a designated product is equivalent to, comparable with or superior to breastmilk or to breastfeeding;
d. not contain the brand name or logo of any designated product nor of any manufacturer or distributor of a designated product; provided that this clause shall not be applicable to information about designated products intended for health professionals; and
e. clearly and conspicuously explain each of the following points:
   i. the benefits and superiority of breastfeeding;
   ii. the value of exclusive breastfeeding for six months followed

by sustained breastfeeding for two years or beyond;

iii. how to initiate and maintain exclusive and continued breastfeeding;

iv. why it is difficult to reverse a decision not to breastfeed;

v. the importance of introducing complementary foods from the age of six months;

vi. 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

vii. that 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 must also include the following points:

f. instructions for the proper preparation, storage and use of the product including cleaning and sterilisation of feeding utensils;

g. how to feed infants with a cup;

h. the health risks of artificial feeding, the use of a feeding bottle and improper preparation of the product;

i. explain that:

i. powdered formula is not sterile and may be contaminated with pathogenic microorganisms during the manufacturing process or may become contaminated during preparation;

ii. 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; and any unused milk must be discarded immediately after every feed.

j. the approximate financial cost of feeding an infant or a young child with such a product in the recommended quantities and

k. that the practice of providing follow-up formula and young child formula is not necessary.

l. 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.

(4) Manufacturers and distributors may give materials about designated products to health professionals if such materials:

a. are restricted to scientific and factual matters regarding the technical aspects and methods of use of the product;

b. provide references to published 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

c. are otherwise in accordance with the other requirements of this Act.

(5) Federal Government shall, in consultation with the Board, arrange for 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.

**8. Health Professional and Health Care Facilities.-**

(1) Health Professional and Health workers shall encourage, support and protect breastfeeding. They should be expected to know the provisions of this Act and to implement the same

(2) 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

(3) Health workers and their Associations shall not:

a. promote in any way whatsoever, any designated product;
b. accept equipment or services from companies that market foods for infants and young children;
c. accept gifts or incentives from such companies;
d. allow health facilities to be used for commercial events, contests or campaigns;
e. allow companies that market foods for infants and young children to distribute any gifts or coupons to parents, caregivers and families through health facilities;
f. allow such companies to directly or indirectly provide education in health facilities to parents and other caregivers;
g. allow such companies to sponsor meetings of health professionals and scientific meetings.

(4) Health workers falling within the jurisdiction of Islamabad Capital Territory 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.

(5) These shall be kept posted in every health care facility in, Urdu and English, as may be deemed appropriate by the health care facility, such abstracts of this Act as may be prescribed by the Federal Government, for this purpose.

(6) Health Professional and Health workers shall encourage, support and protect breastfeeding and shall submit in this regard a report in writing to the Board or Designated Officer by the Board after every six months."

## CHAPTER-III

**9. Establishment of the Board.-** (1) The Federal Government shall, by notification in the official Gazette, establish the Islamabad Capital Territory Protection of Breast-Feeding and Child Nutrition Board.

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

**10. Composition of the Board.-** The Board shall be composed of the following members:

| **Designation** | **Role** |
|---|---|
| Minister/Minister of State for Health | Chairman |
| Secretary of MoNHSR&C/Representative | Ex. officio member |
| Director General Health, MoNHSR&C | Deputy Chairman |
| Nutrition Director, Nutrition Wing of MoNHSR&C | Secretary |
| Representative from Drug Regulatory Authority (DRAP)_Federal | Member |
| Provincial Health Secretary, Punjab | Member |
| Provincial Director General Health, Punjab | Member |
| Director General, Food Authority, Punjab | Member |
| Chairman of Health Care Commission, Punjab | Member |
| Provincial Health Secretary, Sindh | Member |
| Provincial Director General Health, Sindh | Member |
| Director General, Food Authority, Sindh | Member |
| Chairman of Health Care Commission, Sindh | Member |
| Provincial Health Secretary, Balochistan | Member |
| Provincial Director General Health, Balochistan | Member |
| Director General, Food Authority, Balochistan | Member |
| Chairman of Health Care Commission, Balochistan | Member |
| Provincial Health Secretary, KP& NMTD | Member |
| Provincial Director General Health, KP&NMTD | Member |
| Director General, Food Authority, KP& NMTD | Member |
| Chairman of Health Care Commission, KP&NMTD | Member |
| Health Secretary, Gilgit Baltistan | Member |
| Director General Health, Gilgit Baltistan | Member |
| Health Secretary, AJK | Member |
| Director General Health, AJK | Member |
| General Secretary, Pakistan Paediatrics Association | Member |
| Head of the Department of Paediatrics, PIMS, Islamabad | Member |
| Head of the Department of Gynae& Obs, PIMS, Islamabad | Member |
| Dean, Institute of Child Health & Children Hospital, Lahore | Member |
| Dean, National Institute of Child Health (NICH), Karachi | Member |
| Head of Paediatric department, BMC, Quetta | Member |
| Head of Paediatric department, KMU, Peshawar KP | Member |
| General Secretary, Pakistan Pharmaceutical Association (PPHA) | Member |
| Head of Paediatric Department, AKU, Karachi | Member |
| The network for consumer protection | Member |
| Any Co-opt member nominated by Board * | |

**11. Terms and conditions of the Chairperson and the Members of the Board.-** (1) The Federal Government shall nominate and notify the Chairperson and the Members of the Board.

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

(3) A person shall not be appointed as Chairperson or a member, other

than ex-officio member, for more than two terms, whether consecutive or otherwise.

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

(5) Provided that not less than a 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.

**12. Removal of the Chairperson and the Members of the Board.-** (1) The Federal Government may, remove the Chairperson or a member, other than ex-officio member, from the Board, if he,-

(a) has been declared as an discharged solvent; or

(b) has been convicted of an offence which involves moral turpitude; or

(c) has become physically or mentally incapable of acting as the Chairperson or the member; or

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

(e) has entered into any direct or indirect relationship with or has accepted funding or any other form of support from a private sector entity that manufactures or distributes designated products under this Act.

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

**13. Powers and functions of the Board.-** (1) The Board shall regulate and monitor the business as per the provisions of this Act.

(2) The Board shall be the sole authority to,-

(a) formulate method of sampling, analysis of samples and reporting of results;

(b) set standards of designated products including labelling requirement whether imported or locally manufactured;

(c) specify procedures and guidelines for setting-up and accreditation of food laboratories;

(d) specify licensing, prohibition orders, fine, recall procedures,

improvement notices or prosecution;

(e) provide scientific advice and technical support to the Federal Government in matters relating to designated products;

(f) to issue instructions to inspectors as to actions to be taken, 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;

(g) to receive reports of violation of the provisions of this Act or rules;

(h) to recommend investigation of cases against manufactures, distributors or health workers found to be violating the provision of this Act or rules;

(i) to plan for and coordinate the dissemination of informational and educational materials on the topic of infant-feeding and recommend continuing awareness courses for health workers on topics related to this Act;

(j) to frame rules and regulations under the Act to achieve the purpose of this Act for approval by competent authority;

(k) to advise and propose guidelines to Federal Government on the establishment of an effective and sustainable monitoring system in accordance with the WHO/UNICEF Net Code protocol for on-going monitoring; and

(l) perform any other function to achieve the objective of this Act.

(3) The Board shall also oversee the following activities for quality and compliance,-

(a) collect and analyze relevant scientific and technical data relating to the designated products;

(b) certify designated product for exports;

(c) levy fee for registration, licensing and other services; and

(d) organize training programmes to promote purpose of this Act.

**14. Powers and functions of the Secretary of the Board.-** (1) The Secretary of the Board shall have the power to designate any employee of the Ministry as a Coordinator for implementing actions prescribed by the Board and any staff, required to implement the activities prescribed by the Board.

(2) The Secretary of the Board shall call meetings of the Board, at the direction of the Chairperson and maintain minutes of such meetings.

(3) The Coordinator, subject to control and scrutiny 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.

(4) The Coordinator shall exercise such powers, as may be prescribed, or delegated to him by the Board.

**15. Procedure for the meeting of the Board:** The secretary of the board shall call meeting of the Board, at the direction of the chairperson, and maintain minutes of such meetings. 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."

**16. Registration of designated products.-** (1) The Board shall cause all designated products to be registered in accordance with such conditions and procedures, as may be prescribed.

(2) Once the registration of a designated product has been approved, a Certificate of Registration shall be issued.

## CHAPTER-IV
## PENALTIES

**17. Inspectors.-** (1) The Board shall, appoint such persons as it deem fit, having the prescribed qualifications for the purpose of this Act, to be Inspectors within such local limits as it may assign to them respectively:

Provided that no person who have any direct or indirect financial interest in any designated product shall be so appointed.

(2) Notwithstanding anything contained in this section, the Board, in public interest, may confer the powers of an Inspector to any government servant.

**18. Powers of inspectors.-** An Inspector may, within the local limits, to which he or she is appointed,-

(a) exercise such other powers as may be prescribed by the Board;

(b) inspect and investigate any premises, where any designated product is imported, manufactured, sold, stocked, exhibited for sale, advertised or promoted;

(c) impose fine on the business which violate the provisions of this Act or regulations made thereunder;

(d) seal an institute, which violate the provisions of this Act or regulations; and

(e) seize any designated product found in violation of this Act and the regulations made thereunder.

**19. Punishments.-** (1) If any business or any person on its behalf contravenes or violates the provisions of this Act, shall be punishable with imprisonment which shall not be less than four years, or with fine which shall extend to five hundred thousand rupees, but shall not be less than one hundred thousand rupees or with both.

(2) If any business, commits an offence more than once, under the provisions of this Act, he shall be liable to,-

(a) twice the punishment of imprisonment and fine, provided under sub-section (1); and

(ii) the license of a business mentioned in sub-section (1) may be cancelled.

(3) 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 instruction issued by it or implemented by it, such organizations, in addition to the individuals directly responsible for the commission of such offence, may be declared guilty.

**20. Suspension or revocation of professional license. -**
(1) 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, may recommend to Federal Government to suspend or cancel, his license for the practice of his profession or occupation or for the pursuit of his business.
(2) Where any health professional has been found to have contravened any provision of this Act, or the Regulations pursuant thereto, the Board after giving

such person an opportunity of being heard may recommend to the relevant authority the suspension or revocation of any license for the practice of that person's profession.

## CHAPTER-V
## APPELATE FORUM

**21. Appeal**

(1) The first appeal shall lie before the Director General against the order passed by the Inspector within a period of 15 days of the order.

(2) The appeal against the order passed by the Director General will lie before the Secretary of Ministry of National Health Services, Regulation and Coordination and members of board within a period of 30 days of the order.

**22. Fund.** – (1) There shall be established a fund to be known as the Board Fund to be administered and controlled by the Board.

(2) The Board Fund shall consist of–

(a) funds provided by the Federal Government;

(b) loans or grants by the Federal Government;

(c) other loans or funds obtained by the Board;

(d) grants and loans negotiated and raised, or otherwise obtained, by the Board with the prior approval of the Federal Government;

(e) fee, charges, rentals and fines collected by the Board;

(f) income from the lease or sale of the property;

(g) funds from floating bonds, shares, debentures, certificates, or other securities issued by the Board; and

(h) all other sums received by the Board.

(3) The Board shall meet all of its expenses from the Fund.

(4) It shall be the duty of the Board to conserve the board Fund while performing its functions and exercising its powers under this Act.

**23. Bank accounts.** – The Board may open and maintain its accounts at such scheduled banks as may be prescribed, and until so prescribed, as the Federal Government may determine.

**24. Budget and accounts.** – (1) The Board shall maintain proper accounts and other records relating to its financial affairs including its income and expenditures and its assets and liabilities in such form and manner as may be prescribed.

(2) 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.

(3) The Board shall approve its annual budget for a financial year in the prescribed manner.

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

**25. Audit.** – (1) The Auditor General of Pakistan shall annually audit the accounts of the Board.

(2) The Federal Government, in addition to the audit under sub-section (1),

shall cause the accounts of the Board annually audited by a Chartered Accountant or a firm of Chartered Accountants.

(3) The auditor appointed under sub-section (2) shall be provided such access to the books, accounts and other documents as may be considered necessary for the audit of accounts.

(4) The auditor shall submit the annual or any special audit report to the Food Authority, and the Board, under intimation to the Federal Government, shall take appropriate remedial or other action in the light of the audit report.

**26. Annual report.** – (1) The board shall, within three months of the close of a financial year, submit to the Federal Government an annual performance report.

(2) The report shall consist of–

(a) the statement of accounts and audit reports of the Board;

(b) a comprehensive statement of the work and activities of the Board during the preceding financial year and its proposed projects and schemes; and

(c) such other matters as may be prescribed or as the Board may consider appropriate.

(3) The Federal Government shall, within two months of receiving the report from the Board, give notice for laying the report in the National Assembly, and shall lay the report in the first available session of the Assembly.

**27. Monitoring and evaluation.** – (1) The Federal Government 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.

(2) The Federal Government shall evaluate the report mentioned in subsection (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.

**28. Delegation of powers.** – 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–

(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.

**29. Reward by the Board.** – The Board may, in the manner prescribed make payment of reward from the Board Fund to any person who has made an

exceptional effort towards accomplishing the objective of this Act.

**30. Public Servants.-** The Chairperson, the 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, within the meaning of section 21 of the Pakistan Penal Code, 1860 (XLV of 1860).

**31. Immunity.-** No prosecution or other legal proceedings shall lie against the Federal Government, any of its officer, 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.

**32. Bar of jurisdiction.** – A civil court shall not entertain a suit or an application against any proceedings taken or order made under this Act."

**33. 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.

**34. Power to make rules.-** The Federal Government, may make rules for carrying out the purposes of this Act.

**35. Power to make regulations.-** Subject to this Act, the Board may, make regulations to give effect to the provisions of this Act.

**36. Repeal and savings.-** (1) The Protection of Breast Feeding and Child Nutrition Ordinance, 2002 (Ordinance No. XCIII of 2002), to extent of the Islamabad Capital Territory is hereby repealed.

(2) Notwithstanding the aforesaid repeal, anything done, action taken, rules made and notification or order issued under the aforesaid Act, shall, so far as it is not inconsistent with the provisions of this Act, be deemed to have been done, taken, made or issued, under this Act and shall have effect accordingly.

**37. Power to remove difficulties.** – Federal 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.

## STATEMENT OF OBJECTS AND REASONS

The concept of breast feeding is widely accepted and appreciated all over the world, as an infant health is associated and best served only through mother's milk and it is advisable by the paediatricians all over the world, to keep the child up to the age of two years on mother's feed. While realizing the significance of the said subject, the Federal Government introduced an Ordinance, named as the Protection of Breastfeeding and Young Child Nutrition Ordinance, 2002, but since, then, it has been not implemented in the latter and spirit. After Constitution (18th

Amendment) Act, 2010, subject of health has been devolved to provinces. So, it becomes the need of hour to improve and strengthen legislation related to this subject and as health is a provincial subject, Parliament can only legislate on it only to the extent of the Islamabad Capital Territory. Hence, this bill has been introduced for promotion and support of breast feeding in the Federal Capital.

2. This bill is aimed to achieve the above-said objective.

**PROF. DR. MEHR TAJ ROGHANI**
**Member-In-Charge**