

[TO BE INTRODUCED IN THE NATIONAL ASSEMBLY]

A

Bill

***to establish the Pakistan Halal Authority to promote trade and commerce in Halal articles and processes***

Whereas it is expedient to establish the Pakistan Halal Authority to promote imports and exports, trade and commerce with foreign countries and inter-provincial trade and commerce in Halal articles and processes.

It is hereby enacted as follows:

**1. Short title, extent and commencement.**—(1) This Act may be called the Pakistan Halal Authority Act, 2015.

(2) It extends to—

- (a) the whole of Pakistan, for purposes of imports and exports, trade and commerce with foreign countries and inter-provincial trade and commerce in all such articles and processes which are described or represented as being Halal; and
- (b) Islamabad Capital Territory, for all other purposes envisaged under this Act.

(3) It shall come into force at once except sections 17, 18 and 19 which shall come into force in whole or in part, on such date or dates as the Federal Government may, by notification in the official Gazette, direct.

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

- (a) “**Accredited Halal Certification Body**” means a firm or company which has been certified by the National Accreditation Body as being competent and authorized to carry out Halal Certification;
- (b) “**article**” means any substance, artificial or natural, or partly artificial or partly natural, whether partly or wholly processed or manufactured product, and any service or financial product offered to the public;
- (c) “**Authority**” means the Pakistan Halal Authority established under section 3;
- (d) “**Board**” means the Board of Governors constituted under section 5;
- (e) “**chairperson**” means the chairperson of the Board of Governors;
- (f) “**Director General**” means the Director General of the Authority;
- (g) “**Government**” means the Federal Government;

- (h) **"Halal"** means anything permitted by the laws of Islam;
- (i) **"Halal Certificate"** means the certificate issued by the Authority or by an Accredited Halal Certification Body to the effect that an article or process is in conformity with the Halal Standard pertaining thereto, and authorizing use of the Halal logo in respect thereof;
- (j) **"Halal Certification"** means the entire process of conformity assessment including audit, inspection, testing, and evaluation to establish that an article or process is in conformity with the Halal Standard, resulting in issue of a Halal Certificate;
- (k) **"Halal logo"** means the logo approved by the Authority for a Halal article or process signifying that the same is in conformity with the Halal Standard pertaining thereto;
- (l) **"Halal Standard"** means the Pakistan Halal Standard for an article or process notified by the National Standards Body;
- (m) **"member"** means a member of the Board of Governors;
- (n) **"National Accreditation Body"** means the Pakistan National Accreditation Council or such other body as may be notified for the purpose by the Government;
- (o) **"National Standards Body"** means the Pakistan Standards and Quality Control Authority or such other body as may be notified for the purpose by the Government;
- (p) **"OIC Guidelines"** means the guidelines, specified in Schedule, issued by the Organization of the Islamic Cooperation from time to time relating to Halal food and other articles or processes;
- (q) **"prescribed"** means prescribed by rules or regulations;
- (r) **"process"** means a series of steps for the production, manufacture or development of any article or system;
- (s) **"regulations"** means regulations made under this Act;
- (t) **"rules"** means rules made under this Act; and
- (u) **"Schedule"** means a schedule to this Act.

**3. Establishment of the Authority.**— (1) The Government may, by notification in the official Gazette, establish the Pakistan Halal Authority for carrying out the purposes of this Act.

(2) The Authority shall be a body corporate having perpetual succession and a common seal, with powers, subject to the provisions of this Act, to acquire and hold property, both movable and immovable, and shall by the said name sue and be sued.

(3) The headquarters of the Authority shall be at Islamabad and it may, with the prior approval of the Government, set up offices at other places as, when and where required.

**4. Management.—** (1) The general direction and administration of the Authority and its affairs shall vest in the Board, which may exercise all powers and do all acts and things which may be exercised or done by the Authority.

(2) The Board shall, in the discharge of its functions, be guided on questions of policy by such directions as the Government may give from time to time.

(3) If any question arises as to whether any matter is a matter of policy or not, the decision of the Government in respect thereof shall be final.

**5. Composition of the Board of Governors.—** The Board of Governors shall consist of the following members, namely:-

(a) Minister for Science and Technology	<i>Chairperson</i>
(b) Secretary, Ministry of Commerce	<i>Member</i>
(c) Secretary, Ministry of Finance	<i>Member</i>
(d) Secretary, Ministry of Industries and Production	<i>Member</i>
(e) Secretary, Ministry of National Food Security and research	<i>Member</i>
(f) Secretary, Ministry of Religious Affairs	<i>Member</i>
(g) Secretary, Ministry of Science and Technology	<i>Member</i>
(h) Chief Secretaries of the Provincial Governments, Azad Jamu & Kashmir and Gilgit-Baltistan	<i>Member</i>
(i) Director General, Pakistan Standards and Quality Control Authority	<i>Member</i>
(j) Director General, Pakistan National Accreditation Council	<i>Member</i>
(k) President, Federation of Pakistan Chambers of Commerce and Industry	<i>Member</i>
(i) Chairman, Islamic Chamber of Commerce and Industry (Pakistan Representative)	<i>Member</i>
(m) Three well-reputed Shariah Scholars to be nominated by Ministry of Religious Affairs, including one from the Council of Islamic Ideology.	<i>Member</i>
(n) One representative to be nominated by the Rector, International Islamic University, Islamabad	<i>Member</i>
(o) Food Technologist nominated by Pakistan Agriculture	<i>Member</i>

## Research Council

(p) Director-General, Pakistan Halal Authority

*Member/  
Secretary*

(2) In case of non-availability of the Minister for Science and Technology for any reason, the Government may designate any other Minister as Chairperson.

(3) The Authority may, with the prior approval of the Government, co-opt any other person as a member.

(4) No act or proceeding of the Board shall be invalid merely on the ground of the existence of any vacancy, or any defect, in the constitution of the Board.

**6. Terms of office of members.—** (1) A member, other than an *ex-officio* member, shall hold office for a period of three years from the date of entering upon the office, but may be re-nominated for a second, and final, term of three years.

(2) A person who is or is nominated to be, a member by virtue of his holding an office shall cease to be a member when he ceases to hold that office.

(3) A member other than an *ex-officio* member, may at any time resign his office by writing under his hand addressed to the Chairman.

**7. Removal of members.—** (1) The Government may remove from office a member, other than an *ex-officio* member, if he—

- (a) has been adjudged an un-discharged insolvent; or
- (b) has been convicted of an offence which involves moral turpitude; or
- (c) has become physically or mentally incapable of acting as a member; or
- (d) has abused his position and rendered his continuance in the office prejudicial to public interest.

(2) A member shall not be removed from office unless he has been afforded a reasonable opportunity of being heard.

**8. Constitution of the Executive Committee.—** (1) The Government may constitute an Executive Committee for carrying out day-to-day matters of the Authority and for exercising such powers and doing such acts and things as may be delegated to it by the Board.

(2) The executive committee under sub-section (1) shall consist of the following members, namely: —

- (a) Secretary , Ministry of Science and Technology; *Convener*
- (b) Director General of the Authority; and *Member*

- (c) Three members nominated by the Board,  
one of whom is a Shariah Scholar.

*Members*

**9. Director General.**— (1) There shall be a Director General of the Authority who shall be the chief executive of the Authority and shall be appointed by the Government.

(2) The Director General shall discharge such duties and perform such functions as are assigned to him by the Board, or by the Government.

(3) Until the Board is duly constituted, the Director General shall, subject to such directions as the Government may give from time to time, exercise the powers, and perform the functions of the Board.

(4) The officers of the Authority shall have such powers and shall perform such functions as may be assigned to them by the Director General.

**10. Powers and functions of the Authority.**— (1) Powers and functions of the Authority shall be to—

- (a) develop and implement policies, strategies, plans and programmes for promotion of imports and exports, trade and commerce with foreign countries and inter-provincial trade and commerce in Halal articles and processes;
- (b) recommend the Halal Standards developed for articles and processes, to be notified in the official Gazette by the Federal Government for adoption and notification by the National Standards Body;

Provided that the Halal Standard for any article or process shall be in accordance with OIC Guidelines if any issued for such article or process from time to time, including in particular, the OIC Standards-General Guidelines for Halal Food in Schedule;

- (c) develop and recommend mechanism for Accreditation of Halal Certification Bodies and adoption of Halal Certification systems utilizing the services of the Halal Accreditation Body;
- (d) develop policies, plans and programmes for ensuring compliance of Halal articles and processes with the Halal Standards;
- (e) develop and authorize use of Halal logo for Halal articles and processes;
- (f) issue, renew, suspend or cancel a Halal Certificate;
- (g) levy fees for issue or renewal of the Halal Certificate;
- (h) maintain a register of all persons, firms and companies authorized to use the Halal logo;
- (i) inspect and test Halal products and processes for their quality, specification and characteristics with relation to the Halal Standards, for

purposes of imports and exports, trade and commerce with foreign countries and inter-provincial trade and commerce;

- (j) prohibit production, storage and sale in the Islamabad Capital Territory of such Halal products as do not conform to the Halal Standards;
- (k) arrange and conduct public awareness campaigns in relation to the Halal sector in general and to Halal products and processes in particular;
- (l) secure international recognition of the Halal logo to build confidence in the Halal Certification system and Pakistani Halal products abroad;
- (m) co-ordinate with national and international organizations for strengthening the Halal sector;
- (n) promote and encourage establishment of libraries and laboratories for the purpose of developing the Halal sector;
- (o) collect and circulate statistical and other information relating to the Halal sector; and
- (p) any other function assigned by the Government for development of the Halal sector and promotion of Halal products and processes for purposes of the Act.

(2) In exercising its powers and performing its functions, the Authority shall follow such procedure as may be prescribed.

**11. Meetings.**— Meetings of the Board and the Executive Committee shall be in accordance with such procedure as may be prescribed.

**12. Authentication of orders and other instruments of the Authority.**— All orders, decisions and other instruments issued by the Authority shall be authenticated only by the signatures of such officer or officers as are authorized by the Authority in this behalf.

**13. Disclosure of ingredients, etc.** — The Halal Standard for a food or non-food article or product shall require that the ingredients, dates of manufacture and expiry and complete name and address of its manufacturer, exporter or supplier be clearly mentioned on the box, wrapper or other packaging in which it is contained, or on the label, tag or sticker affixed to it.

**14. Prohibition of improper use of Halal logo.**— No person shall use, in relation to any article, product or process or in the title of any patent or in any trademark or design, the Halal logo except under the terms of a Halal Certificate, issued under this Act.

**15. Prohibition of use of certain name, mark or logo.**— No person shall without the previous permission of the Authority and subject to such conditions as it may impose, use in any manner whatsoever, any name, mark or logo which may resemble the name, mark or logo of the Authority or contain the Authority's recognized expressions relating to Halal standards or any abbreviation of such expressions.

**16. Prohibition of registration in certain cases.**— (1) Notwithstanding anything contained in any law for the time being in force, no registering body shall register any

company, firm or any body of persons or a trademark or design or grant a patent in respect of an article which bears a title containing any name or mark or logo in contravention of the provisions of sections 14 or 15.

(2) Where any question arises before a registering authority whether the use of any name or mark or logo is in contravention of the provisions of sections 14 or 15 the registering authority may refer the question to the Government, whose decision thereon shall be final.

**17. Export of Halal articles and processes.**— No article or process shall be exported from Pakistan with the description or representation of being a Halal article or process unless it bears the Halal logo of the Authority.

**18. Marketing of Halal products.**— No food or non-food product shall be marketed or offered for sale with the description or representation of being a Halal article or product within the Islamabad Capital Territory unless it bears the Halal logo of the Authority, having been certified, by the Authority or by an Accredited Halal Certification Body.

**19. Penalty for improper use of Authority name, mark or logo.**— (1) Any person who contravenes the provisions of sections 14, 15, 16, 17 or 18 shall be punishable with imprisonment of either description for a term which may extend to one year, or with a fine upto one million rupees but not less than one hundred thousand rupees, or with both.

(2) A Court convicting a person under this section may direct that any articles in respect of which the contravention was made shall be forfeited to the Government.

**20. Inspectors.**— (1) The Authority may appoint Inspectors, in accordance with such procedure as may be prescribed, for the purpose of enforcement of this Act or rules or regulations made there under in the Islamabad Capital Territory.

(2) Subject to any rules made under this Act, an Inspector appointed under sub-section (1) shall be empowered to —

- (a) inspect any operation carried on in connection with any article or product or action or process in relation to Halal Certification;
- (b) take samples of any article, or of any material or substances used in any article or process, in relation to which Halal logo has been used;
- (c) seize and detain for such time as may be necessary any article in respect of which he believes any provision of this Act has been contravened; and
- (d) stop, search or seize any transport vehicle in which he believes on reasonable ground that any article subject to the provisions of this Act, is being transported thereon does not conform to Halal standards and certification.

(3) Every Inspector shall be issued by the Authority a certificate of appointment which shall be produced by the Inspector on demand.

(4) Any person who obstructs or impedes performance of duties of an Inspector or any other authorized officer shall be guilty of an offence punishable under section 21.

(5) Any article seized under this Act may, at the option of the Inspector, be kept or stored in the premises where it was seized or may at the direction of the Inspector be removed to any other place or appropriately disposed of, in case it is a perishable item.

(6) The Inspector shall release any article seized by him under this Act when he is satisfied that all the requirements of the Act with the respect thereto have been complied with.

(7) Any person who, without the authority of an Inspector, removes, alters, or interferes in any way with any article seized under this Act, shall be guilty of an offence punishable under section 21.

(8) Any person who knowingly makes any false or misleading statements either verbally or in writing to any inspector engaged in carrying out his duties under this Act shall be guilty of an offence punishable under section 21.

(9) Any person aggrieved by the actions of an Inspector / officer may file a representation to the DG of Authority, who shall decide the same after giving such person an opportunity of being heard.

**21. Penalty for other contraventions.—** Whoever contravenes any of the provisions of this Act other than sections 14,15,16, 17 or 18, or any rule made or notification issued thereunder shall, be punishable with imprisonment of either description for a term which may extend to six months, or with a fine upto five hundred thousand rupees but not less than fifty thousand rupees, or with both.

**22. Cognizance of offences by courts.—** (1) No court inferior to that of a Civil Judge, First Class shall try any offence punishable under this Act.

(2) All offences under this Act shall be bailable and compoundable.

**23. Appeals.—** (1) Any person aggrieved by an order passed by the Authority including a decision of the Director General under sub-section (9) of section 20 may prefer an appeal to the Court of Session within thirty days of the date of the order.

(2) The appeal shall be presented in such form and manner and within such time as may be prescribed.

(3) The Court of Session shall, in dealing with appeals under this section, follow such procedure as is specified in the Code of Criminal Procedure, 1898 (Act V of 1898).

**24. Appointment of officers, staff, etc., by the Authority.—** (1) The Authority may create posts and appoint such officers, staff, experts or consultants, in accordance with Government policy, on such terms and conditions as may be prescribed:

Provided that appointment to the posts in Basic Pay Scale 20 or above shall not be made except with the previous approval in writing of the Government.

(2) Subject to sub-section (1), the Director General may, in cases of urgency, appoint such officers, staff, experts or consultants and on such terms and conditions as may be recommended by a selection committee, constituted under the rules: