



The Impact of the 18th Amendment on Legislation Regarding Food Safety

Atifa Awan,¹ & Sayyeda Fatima²

Abstract:

This article assesses the 18th amendment and its impact on the devolution plan, which resulted in the devolution of 17 ministries, including the Food and Health Ministry. This process eliminated the concurrent list and maintained separate provincial and federal lists, leading to overlapping responsibilities in the food sector between the centre and provinces. Consequently, both sides enacted their own laws and authorities, causing confusion among investors and the public regarding the hierarchy of these laws. Furthermore, this confusion led to a steady decline in the state of the food sector. The federal government appears to lack direct authority in this domain, while the provinces have not yet developed the necessary mechanisms and expertise to effectively manage their responsibilities. Therefore, it is imperative to clarify the respective roles of the central and provincial governments and assess whether a centralized system, similar to the Central Body of the Drug Regulatory Authority of Pakistan in the drug and pharmaceutical industry, would have been a more viable option for the food sector in Pakistan. The article also delves into the genuine challenges facing the food sector in Pakistan and examines how the 18th Amendment has influenced this situation, both positively and negatively.

Keywords: Pakistan, 18th amendment, concurrent list, food care sector, federal list, federation

INTRODUCTION

The 1973 Constitution of the Islamic Republic of Pakistan does not explicitly provide protection for the right to health (The Constitution of Islamic Republic of Pakistan, 1973: 8-28). Previously, essential privileges were encompassed within the realm of civil and political rights before the introduction of the 18th amendment. While the amendment granted fundamental human right status to education, the right to health remains unaddressed (Eighteenth Amendment Act, 2010: 9). Apart from the right to education, the Constitution does mention socioeconomic rights. The "Objectives Resolution," which serves as the preamble to the Constitution, explicitly includes social justice as one of the five principles governing the representative state. Moreover, within Chapter 2, Part II, specifically articles 25 and 38-d, there are provisions that pertain to 'Citizen Equality' and 'Promotion of the social and economic well-being of the people' as outlined in the Eighteenth Amendment Act of 2010 (Eighteenth Amendment Act, 2010: 29-40). Additionally, article 9,

¹ Visiting Lecturer, Department of Law, International Islamic University, Islamabad, Pakistan/
Advocate, Lahore High Court and member, Punjab Bar Council. Email: atifa.awan.vt7080@iiu.edu.pk

² Assistant Professor and Head, Department of Law, International Islamic University, Islamabad.
Email: sayyeda.fatima@iiu.edu.pk

addressing 'Personal Security,' and article 14, focusing on the "Inviolability of Man's Dignity," are two other constitutional articles with relevance to the field of health. It is noteworthy that both the Constitution's preamble and its Principles of Policy make reference to socioeconomic rights.

Furthermore, by adopting a comprehensive interpretation of the "right to life," the courts in Pakistan have unquestionably issued progressive rulings on matters of significant public concern. The foundation for upholding fundamental rights can be found in articles 8 and 9, alongside article 199. In particular, article 9 has been frequently cited and referenced in case law when addressing such issues (Ms. Shehla Zia and others Vs WAPDA, 1994; Syed Mansoor Ali Shah Vs Government of Punjab, 2007; Nishtar, 2018). Whether it be prior to or following the 18th amendment, the Constitution did not explicitly include health as a distinct legislative matter. Nonetheless, within the Constitution's legislative lists, there were references to several subjects that have a connection to health, such as point 27 in Part-I and points 11, 13, and 18 in Part-II. Given that the responsibilities and legislative authority of both the federal and provincial governments are intertwined, it becomes imperative to grasp the issue, particularly in light of the transformative impact of the 18th amendment, which has brought about significant changes in federal and provincial obligations by way of modifications in the legislative lists (The Constitution of the Islamic Republic of Pakistan, 1973; Shaikh, 2011).

The aim of this article is to evaluate the genuine difficulties encountered by Pakistan's food sector and gauge how much the 18th Amendment has contributed to either enhancing or exacerbating this scenario. The article, therefore, intends to address the following significant questions: How has the elimination of the concurrent list and the introduction of separate provincial and federal lists affected the distribution of responsibilities in the food sector? In what ways has the 18th Amendment influenced the overall state of the food sectors in Pakistan, both positively and negatively, and what lessons can be learned for future policy decisions? What are the key laws and authorities enacted by both the federal and provincial governments in response to the devolution, and how do they intersect or conflict with each other? What challenges and ambiguities have emerged due to the overlapping roles and responsibilities in the food sector, and how have these affected investors and the general public? What efforts have the provinces made to develop the necessary mechanisms and expertise to effectively manage their responsibilities, and what progress has been achieved in this regard.

RESEARCH METHODOLOGY

This article primarily employs an analytical methodology and takes a critical perspective when addressing the implications of the 18th Amendment. Initially, the research is descriptive and qualitative in nature, focusing on the theoretical framework of the 18th Amendment's impact on devolution, particularly within the food sector, where responsibilities between the federal and provincial governments overlap. A rigorous analytical and critical approach is applied while examining the respective roles of the federal and the Provincial governments. The primary sources utilized in this research consist of statutes and regulations, complemented by secondary sources such as legal publications, journals, essays, general comments, and international jurisprudence.

OVERVIEW OF THE 18TH CONSTITUTIONAL AMENDMENT

On April 20, 2010, Pakistan's parliament approved a constitutional amendment that restored the country's constitution to its original federal structure, aligning with the vision outlined in the initial and existing constitutions (Eighteenth Amendment Act, 2010). In 2010, Pakistan dissolved 17 federal departments, transferring legislative, operational, and budgetary authority to the country's four provinces (Government of Pakistan, 2012; Eighteenth Amendment Act, 2010; Zaidi and Bigdeli, 2019). Devolution was achieved through a substantial constitutional amendment that garnered strong support from all political parties, addressing the enduring provincial desires to play a primary role in policy formulation and implementation (Shah, 2012).

The 18th Constitutional Amendment brought about changes in the functioning of the government, notably reducing the President's powers. This amendment repealed the "17th Constitutional Amendment", which had been enacted during military rule. It redefined the procedures for appointing senior judges and the chief election commissioner, established three new high courts, removed the restriction on serving as Prime Minister for a third term, restructured the Council of Common Interests (a supra-cabinet body), and eliminated the Concurrent Legislative List (CLL), which determined legislative authority between the Federation and the Provinces (Eighteenth Amendment Act, 2010; Sana, 2013).

The CLL which formerly outlined legislative matters shared by both the federal and provincial governments, has been removed. As a result, the Federal Legislative List (FLL) now contains a significantly reduced set of federal subjects (The Constitution of the Islamic Republic of Pakistan, 1973). Provinces were tasked with all other responsibilities, including food safety. The swift transfer of authority to provinces resulted in overlooking the federation's role in domestic functions across various sectors, including food safety. Consequently, it was concluded that the Ministry of Health was redundant and was consequently dissolved (Government of Pakistan, 2012). The amendment eliminated the list of concurrent functions, which caused a clear separation and differentiation of responsibilities between the federation and provinces. Consequently, Pakistan transitioned from the "layer-cake" model of federalism to the "coordinate authority" model. In the previous "layer-cake model," which was in place until 2010, there was a hierarchical relationship between the federal, provincial, and local governments, with the federal government at the apex, holding dominant authority. Under the concept of federalism introduced by the 18th Amendment, Provincial governments gained substantial authority from the federal government, and municipal governments would effectively function as subordinate entities to the provinces, diminishing their autonomy (Hague & Harrop, 2012).

The 18th Amendment eliminated the list of shared federal and provincial responsibilities and redistributed certain tasks, assigning some to the federal government under the oversight of the Council of Common Interest (CCI) and devolving others to the provinces. The FLL is now divided into two categories: Part I and Part II. Part I subjects fall exclusively within the jurisdiction of the federation, whereas Part II subjects are under the overall guidance of the CCI. The CCI is chaired by the Prime Minister and comprises four provincial chief ministers along with three federal government appointees. The CCI is mandated to convene meetings at intervals of no longer than three months. The parliament is responsible for holding the CCI accountable. It is constitutionally obligated to formulate and oversee strategies related to subjects falling under Part II of the FLL, as

well as to oversee and govern affiliated institutions. In essence, it operates in a manner similar to a super cabinet (Eighteenth Amendment Act, 2010: 54-55; Nishtar & Amjad, 2013).

The Amendment broadens the range of provincial authority and obligations. It indicates two significant changes for the provinces. Firstly, they are now required to pass legislation on the devolved subjects, even if it involves adapting federal legislation *mutatis mutandis*. Previously, provincial governments relied entirely on the federation for matters pertaining to rules, laws, regulations, and planning. However, since these areas are now outside federal jurisdiction, provinces were compelled to formulate their own laws, guidelines, and regulations on these subjects. Article 270AA, introduced by the amendment, provided for the continuation of existing laws, rules, and regulations. Secondly, the provinces had to develop the necessary capabilities to effectively fulfill these new responsibilities (Nishtar, 2018: 10-11).

There is also ambiguity regarding the interpretation of the Constitution concerning legitimacy of regulatory authorities. Entry 6 in Part II of the FLL provides parliament with the authority to create “federal regulatory authorities.” However, there may be instances where the subject for which a regulatory framework is established has been devolved under the 18th amendment. In such cases, the legitimacy of a regulatory authority established under federal law for a matter delegated to the provinces could be questioned. These uncertainties give rise to concerns in the realm of service delivery regulation, particularly in the oversight of pharmaceuticals and related items, which have been devolved since the 18th amendment.

The Supreme Court is expected to assess the impact and scope of article 151 of the Constitution in pending petitions before it, which concern the accurate enforcement of article 158. After the 18th amendment, as discussed above, the authority for “federal health regulation” stems from Entry 6 in Part II of the FLL, which provides “Parliament legislative authority” to establish a “federal regulatory authority.” When the matter of the “federal regulatory agency” is devolved, as is the case with service delivery and pharmaceuticals, it gives rise to a quandary. However, this situation does not apply to medical education and human resources, which continue to be under the charge of the federal government.

Furthermore, in Part-I, point 27 addresses the quality standards for goods exported from Pakistan, while point 59 pertains to matters connected to those listed in List-I. In Part II, point 11 deals with the medical profession, point 13 relates to inter-provincial affairs and coordination, and point 18 addresses matters associated with those listed in List-II. Therefore, all these items in FLL (List-I) offer some leverage to the federal government to resist the complete devolution of powers to the provinces in the fields of food and health. Conversely, neither health nor food is explicitly delineated in either of these lists, suggesting that they fall within the purview of the provinces. Furthermore, the medical profession is now included in the consolidated list, Federal List-II, which implies that both the federation and provinces must collaborate to formulate laws in this domain, as the medical field indirectly intersects with both food and health. Point 18 of Part-II encompasses related matters to be addressed accordingly. Consequently, there is a lack of clarity regarding whether food and health fall under federal or provincial jurisdiction, leading both sides to vigorously assert their competence to legislate in these domains.

There is a significant likelihood of conflicts between the federal and provincial levels, as well as inter-provincial disputes, which could intensify given the autonomous nature of the provinces. It is conceivable that the CCI may struggle to effectively address such easily triggered disputes. Moreover, there is an elevated risk of inter-provincial conflicts, as demonstrated by incidents in Sindh. Additionally, the federal government's role in the international "war on terror" may be restricted, particularly because the provinces are now primarily responsible for "law and order functions", including "police protection" (Shah, 2012). In essence, these omissions in the FLL (Lists I & II) create an avenue for the Federation to engage in legislative matters. Consequently, one can observe multiple laws pertaining to the same subject at both the federal and provincial levels.

Gaps in Food Safety Legislation at Federal and Provincial Levels 4

Numerous food safety laws exist at both the federal and provincial levels, but none of them provide comprehensive coverage to all relevant rules and provisions. As previously mentioned, the 18th amendment to the Constitution introduced gaps that enabled both the federal and provincial governments to pass legislation on the same subjects, resulting in overlapping and a lack of cohesion in food laws throughout Pakistan. Consequently, when an individual operates a business with branches across Pakistan, they are required to comply with the laws of multiple jurisdictions. This can lead to frustration and discouragement, ultimately resulting in a decline in new investments and overall growth. Several issues emerge when assessing food safety laws, regulations, and authorities.

Pakistan Standard Quality Control Authority Act 1996

A contradiction exists between the rules and penalties stipulated in the Pakistan Standard Quality Control Authority Act, 1996 (PSQCA), in contrast to the provisions detailed in various provincial Food Authority Acts, including the Punjab Food Authority Act of 2011 and 2016, the Balochistan Food Authority Act 2014, the Khyber Pakhtunkhwa Food Safety Authority Act 2014, and the Sindh Food Authority Act. Provincial laws incorporate punitive measures, whereas the PSQCA primarily relies on fines and compensatory penalties. In terms of food item standards, the PSQCA has incorporated certain general standards from the Codex Alimentarius, while the majority of product-specific standards are adopted from the International Organization for Standardization (ISO) (Pakistan Standards Quality Control Authority, Division Wise Standards' List). This divergence in standards is the reason behind disparities between the standards set by the Pakistan Standards Quality Control Authority and the Punjab Food Authority, for instance.

The Cantonment Pure Food Act 1966 and the Cantonment Pure Food Rules 1967

In the context of cantonment areas, the Pure Food Ordinance, which has already been revoked in all other regions of Pakistan, has been retained. Despite the existence of pure food rules and a distinct Act, there is a notable absence of enforcement of food regulations in cantonment areas, and no governing authority is in place to oversee this implementation. While the cantonment boards are officially assigned this duty, they display minimal interest in enforcing food safety regulations. In contrast, the provincial food authorities in Punjab and Sindh proactively intervene and enforce food safety regulations even within cantonment areas when violations occur. To summarize, the Cantonment Pure Food Act 1966 and the accompanying Rules 1967 can be considered superficial

legislation and an antiquated legal framework because of inadequate amendments, it fails to include punitive measures for the majority of food safety violations (Hasnain, 2015).

West Pakistan Foodstuffs and Control Act 1958

This Act does not encompass all types of grains. Provinces have been granted the authority to make amendments as needed. For food items and grains not covered by this act, separate regulations have been issued, resulting in a multiplicity of legislation and a lack of harmony in food laws. For instance, the Tea (Control of Price Distribution and Movement) Ordinance 1960 was enacted separately. Additionally, it features distinct licensing regulations for food products and separate guidelines for their maintenance and distribution, creating conflicts with the relevant food authority laws in the respective regions, whether at the federal or provincial level (The West Pakistan Foodstuffs Control Act XX, 1958: 3).

Pakistan Penal Code 1860

To begin with, the penalties outlined in the Pakistan Penal Code, 1860 (PPC), lack the effectiveness needed for deterring violations. Secondly, there is a similar issue of conflicting provisions when it comes to enforcement. There is a lack of clarity regarding the application of the Penal Code's provisions versus those of the PSQCA and the relevant food authorities. This ambiguity arises because the PPC has jurisdiction across all of Pakistan.

The West Pakistan Food Grains (Licensing Control) Order 1957

This Order also addresses the licensing process for individuals or entities involved in food grain production, possession, or ownership, encompassing items such as wheat, rice, broken rice, and paddy. A similar issue emerged in February 2022 when the flour mills association contested the authority of the Punjab Food Authority and asserted the nullification of their jurisdiction due to the existence of this Order. Consequently, this situation once again led to the challenge of overlapping laws (Sumra, 2014).

Punjab Food Authority Act 2011

Jurisdiction issue with regard to Cantonment Areas and Defense Housing Authority

Cantonment areas possess their separate law in the form of The Cantonment Pure Food Act 1966, along with the accompanying rules from 1967. The responsibility for enforcing this law falls under the jurisdiction of the cantonment board. However, it is worth noting that the Punjab Food Authority Act 2011, applies uniformly across the entire Punjab region, without any exceptions for Cantonment areas. This jurisdictional conflict necessitates prompt resolution (Hasnain, 2015).

Clash with provisions of Punjab Pure Food (Amendment) Act 2016

Although the Punjab Pure Food Ordinance, 1960, was revoked by the Punjab Food Authority Act 2011, Punjab Pure Food (Amendment) Act 2016 continues to persist without a valid foundation. This situation highlights the proliferation of laws to the extent that it has become challenging to keep track of how many remain in force and require repeal.

Baluchistan and Sindh Food Authority Acts

These Acts also share the same shortcomings, as discussed above; they have not yet established any rules and regulations regarding the standards of food products.

Punjab Pure Food Rules 2011

These rules are made in accordance with Section 37 of the Punjab Pure Food Ordinance 1960. However, the Punjab Food Authority Act 2011, repealed the latter after its enactment. This situation raises confusion as to why amendments to rules under the Ordinance 1960, were carried out after the introduction of the Food Authority Act 2011, which had already annulled its foundation and led to the establishment of the Punjab Pure Food Rules 2011.

Punjab Sugar Factories Control Act 1950

There are approximately eleven different legislations and orders pertaining to sugarcane and sugar, which can create confusion during implementation. Amendments are predominantly made in the Punjab Sugar Factories Control Act 1950, while the other provinces have not introduced amendments in their corresponding Acts. Additionally, around five different laws are focused on price control in this context. These encompass the Food Stuffs (Control) Act, 1958; the Price Control and the Prevention of Profiteering and Hoarding Act, 1977; the Agricultural Produce Market Ordinance, 1978; the Essential Articles (Control) Act, 1973; the Registration of Godowns Act, 2014; and the Punjab Prevention of Speculation in Essential Commodities Act, 2021. The initial one grants authority to the federation, while the subsequent ones delegate authority to the provinces for price control, resulting in a lack of harmonization in the laws. Therefore, the primary concern within Pakistan's food laws lies in the overlapping and absence of synchronization among these laws. Every authority wields jurisdiction and power, yet neither the federal government nor the provinces appear willing to resolve these conflicts through the CCI, which was specifically established for this purpose. The situation is unlikely to improve unless the laws are appropriately amended.

Deficiencies in the Functioning of Federal and Provincial Food Safety Authorities

During the 1990s, with the growth of “food imports and the processed food industry,” the need for a quality standards system became more pronounced. Consequently, in 1996, the PSQCA was established under the “Ministry of Science and Technology.” This authority was tasked with developing “national standards for food products,” materials used in food production, and various other commodities, along with the responsibility of supervising consumer protection (The Pakistan Standards Quality Control Authority Act VI, 1996).

The PSQCA incorporated the standard program of the “Joint Food and Agriculture Organization” and the “World Health Organization Codex Alimentarius” for “food quality and trade.” Additionally, they adopted the nutrition labeling and import regulations of the “US Food and Drug Authority (FDA)” (Government of Pakistan, 2020).

The implementation of food regulations has proven to be an elusive goal in Pakistan, much like other food policies and regulatory frameworks, primarily due to the absence of administrative representation for the PSQCA at the provincial or district levels. Given this, it raises questions about how this authority can assert control over the entire country.

After food regulation was transferred to the provinces in accordance with the “18th constitutional amendment in 2010” (Eighteenth Amendment Act, 2010: 101), the provinces began to establish their own food regulatory bodies. The inaugural one among these was the “Punjab Food Authority (PFA),” which was established in Punjab with the aim of “ensuring the availability of safe and nutritious food for human consumption” through the “Punjab Food Authority Act of 2011.”

Following the successful operations of the PFA, other provinces swiftly established their own food authorities. In 2016, the “Sindh Food Authority (SFA)” was formed, while 2018 witnessed the establishment of the “Khyber Pakhtunkhwa Food Safety and Halal Food Authority (KPFSHFA).” In 2019, the “Balochistan Food Authority (BFA)” was established, although legislation for it had been passed earlier in 2014. Among these, after the PFA, the “Khyber Pakhtunkhwa Food Safety and Halal Food Authority” were the first to establish an institutional presence and commenced the enforcement of standards and regulations.

The “Growth for Rural Advancement and Sustainable Progress (GRASP)” project, “funded by the European Union,” conducted a “capacity assessment” of two food authorities, namely the Sindh and Balochistan Food Authority. The assessment revealed that despite their establishment over the past few years, these food authorities are still encountering significant challenges and have not fully operationalized yet. The recently established SFA faces various issues, including a shortage of operational and technical staff, infrastructure-related problems, issues with mobile and other laboratories, human resource challenges, and a lack of diverse expertise. The demanding task of establishing and enhancing “food safety and control systems” for both local sales and food exports rests on the shoulders of the SFA, which was established in 2018 and is still grappling with its responsibilities. Currently, efforts are underway to establish the central food control laboratory by the SFA (European Union External Action, 2020; Ahmad, 2021).

The primary obstacle hindering the effective enforcement of food regulations is the presence of divergent standards across provinces and at the federal level. This divergence adds complexity to enforcement and gives rise to legal challenges in implementation. The provincial government has essentially assumed the responsibilities of the PSQCA, leading to overlapping inspection, monitoring, and licensing procedures conducted by both the PSQCA and provincial authorities. This situation has greatly disrupted manufacturers of consumer and food products, affecting both domestic and foreign companies.

In April 2019, the Speaker of the Punjab Assembly suggested that the Punjab government should exercise more control over the PFA and limit its authority to impose fines, as it was perceived to be obstructing the province's economic development. Simultaneously, the food sector faced numerous legal disputes “against the regulatory actions of provincial food authorities.” These challenges were primarily based on the argument that “food standards, safety regulations, and licensing/registration” were under federal jurisdiction, a claim that the “provinces vehemently contested” (Rashid, 2021).

The matter of jurisdiction eventually reached the CCI. In a CCI meeting held in December 2019, it was decided that food standards, licensing, and registration would now exclusively fall under the jurisdiction of the federal government, operating within the “Pakistan Standard framework.” The harmonization of various provincial food standards would be overseen by the “National Standards

Committees" of the PSQCA. However, it was also decided during the same conference that the responsibility for enforcement would continue to rest with the provinces. Due to their well-established local presence, the food authorities were better equipped than the PSQCA to handle this responsibility. However, by relinquishing control over licensing to the federal government, the provinces not only forfeited a source of revenue but also a critical mechanism for enforcing regulations and penalizing violators.

During the meeting, the Director General also mentioned that the food industry was facing adverse effects due to the presence of numerous authorities responsible for setting standards. These authorities often have overlapping roles, such as product registration, manufacturer licensing, and defining standards, leading to administrative inconsistencies. The existence of multiple standards also hampers the smooth flow of interprovincial trade. The increased paperwork, licensing, and registration requirements involving multiple federal and provincial agencies contribute to higher costs and negatively impact the country's ease of doing business regulations. Moreover, the PSQCA's stance finds support in Articles 143, 149, and 151 of the Constitution of Pakistan, which stipulate that in the event of a conflict between federal and provincial laws, federal laws take precedence. However, this raises questions about the implications of the 18th Amendment, which explicitly granted legislative authority to the provinces. Consequently, the primary challenge revolves around the uncertainty regarding what should be implemented, how it should be executed, and where it should be enforced.

In his statement, Umar Islam, the spokesperson for the Pakistan Vanaspati Manufacturers Association (PVMA), mentioned that the PVMA had filed a writ petition with the Islamabad High Court. In the court's interim directives, it instructed the PFA to refrain from taking any actions that contradict Pakistan's obligations under the WTO agreement or impede the authority of the Federation (The Agreement on Technical Barriers to Trade, 1995). This case is presently under consideration. Umar argued that the PFA persists in causing damage to their brands and products, resulting in significant financial losses running into billions of rupees. Consequently, a robust approach is necessary to address this matter. As per the Secretary of the Punjab Food Department, food has never been a federal subject, neither before nor after the enactment of the 18th Amendment.

The Pure Food Ordinance of 1960 mandated the Punjab government to regulate food products. Nevertheless, the enactment of the Punjab Food Authority Act under the 18th Amendment has rendered the Pure Food Ordinance obsolete. Regarding the harmonization of food standards, the Secretary of the Punjab Food Department indicated that there is no objection to such an initiative. However, the PFA is independently adopting and enforcing its own set of food standards, asserting its authority in this matter. Notably, these standards are more stringent than those established by the PSQCA.

The Additional Secretary of the Law and Justice Division emphasized that the implementation of food standards is indeed a challenge. Nevertheless, at present, the priority should be reaching a consensus on establishing Pakistan Standards. These standards will be formulated by the federal government since the provinces have encountered difficulties in this regard. As per the Secretary of Law, it is crucial for standards to be consistently applied across the entire country, with Pakistan

Standards potentially taking precedence. Nonetheless, if each province were to establish its own enforcement system, it could significantly impede interprovincial trade.

The representative from Sindh asserted that the responsibility for enforcing food laws should be vested in the provinces. She also proposed the formation of a collaborative enforcement mechanism in this regard. Conversely, the delegation from KP government suggested that national standards should be standardized, with the provinces handling the implementation and enforcement aspects.

The Balochistan representative endorsed the idea of standardization but asserted that the enforcement mechanism should be under the jurisdiction of provincial governments. Additionally, he contended that the standards set by the PSQCA were inadequate and not even featured on the organization's website. Furthermore, he emphasized the lack of proper infrastructure for the PSQCA in Balochistan. The PSQCA representative emphasized that while some standards were available on the PSQCA website, any organization seeking to adopt Pakistan Standards will be granted free access to them.

The representative from the Ministry of National Food Security and Research (MNFSR) reiterated the need for uniform national standards in accordance with international agreements. Currently, efforts are being made to align the standards across different regions. Therefore, it is essential for Pakistan Standards to be universally adopted throughout the country.

According to the spokesperson of the Pakistan Business Council (PBC), there is no doubt that standards should be uniformly established nationwide. The creation of multiple standards by provincial food authorities led to confusion between the central and provincial governments. The absence of standardized standards poses commercial risks for the food industry, including segments such as edible ghee and oil manufacturing, the dairy sector, packaged spice production, and various other food processing industries. Another challenge that requires addressing is the licensing and registration of food products. Any food industry that distributes its products across different regions of the country would have to obtain more than four licenses, which is impractical. Such practices would undeniably hinder interprovincial trade (Gabol, 2018).

The provincial authorities harbored concerns about relinquishing control and jurisdiction to the central government due to the fact that the inspection, certification, and licensing procedures involved fees, cash transactions, and potential corruption. Several years ago, efforts to reconcile the differences between the central and provincial governments began in response to complaints from the corporate sector, which was burdened by adhering to the regulations and procedures of more than four different authorities. This initiative aimed to harmonize food standards across the country. An example of this dynamic can be seen in the standards for Vanaspati ghee, where the PFA's scientific body had initiated a gradual ban on "partly hydrogenated (PHO) Vanaspati" in the province. It was done due to its elevated trans-fat content, a substance strongly linked to heart disease and considered unhealthy for human consumption by the WHO and medical experts.

In the Lahore High Court, the "Pakistan Vanaspati Manufacturers Association" challenged the impending ban imposed by the PFA. They argued that the industry was already in compliance with the PSQCA's Trans Fatty Acids restriction, which limits it to 5percent of fat content. Additionally, they asserted that the provincial authority did not have the mandate to establish food standards, citing the WHO-recommended regulation of either a 2percent fat content limit or a ban on partly

hydrogenated oils (PHO) (World Health Organization, 2018). According to a 2019 investigation conducted by the Ministry of Health and the WHO, local Vanaspati samples were found to contain trans-fatty acids (TFA) in proportions ranging from 14 to 34 percent of total fats. In July 2020, the court lifted the PFA's ban and prohibited them from taking any action against Vanaspati manufacturers. If the PSQCA's existing trans-fatty acids policies continue to be upheld in the coming years, Pakistan will fail to meet the 2023 global deadline set by the WHO for the elimination of trans-fatty acids, potentially resulting in the loss of thousands of lives (Rizvi, 2020). Furthermore, in accordance with section 2 of the Punjab Food Authority Act 2011, the PFA employed a food safety officer responsible for inspecting the cleanliness and quality of the wheat utilized in flour mills. As per Clause 15(2) of the act, the officer informed the management of flour mills that unless they obtained new permits from the authorities, their factories would be subject to closure. Numerous flour mill proprietors raised this issue with the Food Department. Consequently, the department proposed in a brief submitted to the chief minister that the Punjab Food Directorate be granted the responsibility for supervising the quality of wheat products and recommended exempting flour mills from the requirement to obtain new permits. This is despite the fact that, according to the Food Control Licensing Order of 1957, food grain licenses are typically issued by the district food controller. The chief minister limited its authority based on these recommendations, even though the PFA was established through legislation passed by the assembly (Sumra, 2014).

The situation with the Punjab Food, Agriculture, and Drug Regulatory Authority is quite similar. Despite the law being passed in 2016, the regulatory authority has not been set up. Former Chief Minister Hamza Sharif took note of the delay and set a deadline for making the authority operational by October 2022 ("Agriculture, food and drug authority," 2022).

The Punjab Livestock and Dairy Development Board (PLDDB), a successful public-private partnership company established by the provincial government, ceased operations for few months due to the Livestock and Dairy Development Department's interference in minor matters. The PLDDB was established by the provincial government as a non-profit company operating under Section 42 of the Companies Ordinance, 1984. Unfortunately, there has been no progress in advancing the genetic improvement of the cow herd, which is essential for enhancing productivity and alleviating poverty. Furthermore, employees of the PLDDB have not received their monthly salaries for the past few months. Additionally, due to coercive actions by the provincial livestock department, the board was compelled to discontinue its subsidized pasteurized milk project in the city (Hassan, 2018).

Provincial food regulators and health officials generally advocate for the adoption of harmonized national standards. Nonetheless, they argue that they should have the autonomy to enforce safety and quality standards without any obstacles. Their concern is that regulatory mechanism could potentially undermine genuine concerns related to public health and food safety, which ultimately have far-reaching implications for the well-being of millions of individuals (Rashid, 2021). Thus, there is an abundance of legislation, but the lack of harmony between federal and provincial implementations, as well as jurisdictional conflicts, hinder effective enforcement of existing rules. Unfortunately, there is a reluctance on both the federal and provincial fronts to amicably address and resolve these issues.

CONCLUSION

In 2010, the 18th amendment exacerbated the situation by shifting authority from the federal government to the provinces for food and health sector legislation and implementation. To retain its oversight role, the federal government capitalized on the gaps in the 18th amendment and enacted laws that apply nationwide across Pakistan. As a result, there is a state of confusion between the federal government and the provinces regarding their legislative authority, both of which have derived their powers from the ambiguities introduced by the 18th Constitutional Amendment. Upon acquiring legislative authority, both sides enacted numerous laws, both at the federal and provincial levels. Currently, at the federal level, there is a distinct food authority, while each province has its own. The federal law is intended to be enforced across the entire country, including provinces where separate food authority laws already exist. Hence, Pakistan encounter a lack of harmony in food laws, leading to a state of confusion where food authorities struggle to enforce these laws effectively. CCI has also not fulfilled its role, resulting in a lack of coordination between the federal and provincial authorities in matters related to food safety. With the exception of Punjab, most provinces do not have established food standards that they are obliged to adhere to. Additionally, several authorities, such as the Punjab Agriculture, Food and Drug Authority, Punjab Livestock & Dairy Development Department, and Pakistan Halal Authority, remain inactive, incurring increasing operational costs. The prevailing laws primarily focus on end-product inspection and testing, rather than taking a preventive approach to the entire food supply chain.

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Date of Publication

June 15, 2023