

Iodized Salt (Production, Sale and Distribution) Act, 2055(1998)

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Amendment

Republic Strengthening and Some Nepal Laws

Amendment Act, 2066 (2010)¹

2066.10.7 (21 Jan. 2010)

Act Number 16 of the year 2055 (1998)

An Act made to provide for iodized salt

Whereas, it is expedient to make provision for the production, import, supply, sale, distribution of iodized salt in a proper quantity and for mixing iodine with salt in order to prevent and eradicate extensive and serious effects caused to public health from iodine deficiency;

Now, therefore, be it enacted by Parliament in the Twenty Seventh reign of His Majesty King Birendra Bir Bikram Shah Dev.

Chapter-1

Preliminary

- Short title and commencement:** (1) This Act may be called as the "Iodized Salt (Production, Sale and Distribution) Act, 2055 (1998)".

¹ This Act came into force on 15 *Jestha* 2065, "*Prasasti*" and the word "Kingdom" has been deleted.

(2) This Act shall commence in such area on such date as the Government of Nepal may appoint, by a Notification in the Nepal Gazette.

2. **Definitions:** Unless the subject or the context otherwise requires, in this Act:

- (a) "iodized salt" means the iodized salt in granular or powder form with minimum 96 percent sodium chloride, white, pale pink or light grey in colour, free from visible contamination with clay, grit and other extraneous adulterant and impurities and with quality standard as fixed pursuant to Section 15.
- (b) "permit" means the permit to be issued pursuant to Section 7 for the production, import, supply or sale and distribution of the iodized salt.
- (c) "Committee" means an iodine deficiency disorder prevention committee constituted pursuant to Section 12.
- (d) "production" means the manufacturing of iodized salt by mixing iodine with iodine free salt.
- (e) "producer" means any person or organization having obtained the permit who is involved in production directly or through an agent or controlled person by agreement or under agreement.
- (f) "organization" means a firm, company or body corporate registered under the prevailing law.
- (g) "import" means an act of importation of iodized salt or iodine free salt into Nepal.

- (h) “importer” means a person or organization having obtained permit to import iodized salt.
- (i) “supply” means the act of delivery of iodized salt to a distributor or consumer.
- (j) “supplier” means a person or organization having obtained permit to supply iodized salt.
- (k) “sale and distribution” means provision of information service of iodized salt, promotion, advertisement, distribution of sample of iodized salt and marketing such salt, on behalf of the producer.
- (l) “distributor” means any person engaged in the sale and distribution of iodized salt by wholesale or retail.
- (m) “inspector” means an inspector appointed or designated pursuant to Sub-section (1) of Section 18.
- (n) "label" means a tag, symbol, picture or other descriptive thing written, printed, lithographed, symbolized, embossed or included or otherwise particularized in a package used to pack iodized salt.
- (o) “sample” means a small quantity of iodized salt prepared for the test or for business promotion.
- (p) “prescribed” or “as prescribed” means prescribed or as prescribed in the rules framed under this Act.

Chapter-2

Provisions relating to permit

3. **Prohibition on import, purchase and sale of iodine free salt:** No person shall import into Nepal and purchase and sell iodine free salt without obtaining permission as prescribed from the committee.
4. **Permit to be obtained to produce, import, supply, sell and distribute iodized salt:** A person or organization intending to produce, import, supply, sell and distribute iodized salt has to obtain the permit pursuant to this Act.
5. **Application for permit:** A person or organization intending to obtain the permit pursuant to Section 4 has to make an application, accompanied by the fees as prescribed, to the committee, in the format as prescribed.
6. **Inquiry regarding issue of permit:** Where an application is made under Section 5, the committee shall inquire into the following matters:
 - (a) Technical aspect and capacity for the production, import, supply, sale and distribution of salt,
 - (b) Financial status of the applicant,
 - (c) If iodine free salt is to be imported for the purpose of production, feasibility study report thereon,
 - (d) If the imported iodine salt is to be supplied, sold and distributed, a feasibility study report thereof and other necessary documents pertaining thereto,

- (e) Areas where iodized salt is supplied, sold and distributed,
- (f) Other necessary matters as prescribed.

7. **Issuance of permit:** If, the committee considers, upon having made inquiries pursuant to Section 6, that the applicant is competent to produce, import, supply, sell and distribute iodized salt, the committee shall issue the permit to the applicant in the prescribed format.

8. **Period and renewal of permit:** (1) Except where the permit is revoked earlier pursuant to Section 11, the period of the permit for production shall be for a maximum period of Fifteen years and the period of the permit for import, supply, sale and distribution shall be for a maximum period of Three years.

(2) No later than at least six months prior to the expiration of the period as referred to in Sub-section (1), an application, accompanied by the fees as prescribed, has to be made to the committee in the prescribed format for the renewal of the permit.

(3) Where an application is not made for the renewal of permit within the time limit as referred to in Sub-section (2), the permit shall not be renewed; the permit which so expires shall be deemed to be *ipso facto* canceled.

9. **Permit not to be issued:** Where a permit is issued to any person or body for the production, import, supply, sale and distribution of iodized salt in any specified area, no permit shall be issued to any other person or body for the production, import, supply, sale and distribution of iodized salt in the same area during the period specified in the permit.

Provided that, if the committee comes to learn that the person or body having obtained permit has not been able to produce, import, supply, sell and distribute the iodized salt as demanded in the area mentioned in the permit and the matter appears to be reasonable on holding an inquiry as prescribed, the committee may give permit to any other person or body to produce, import, supply, sell and distribute the iodized salt.

10. Terms to be followed by person or body having obtained

permit: The technical and managerial terms required to be followed by the person or body having obtained permit in the course of production, import, supply, sale and distribution of salt shall be as prescribed.

11. Power to revoke permit: (1) If a person or body having obtained permit does not follow the terms required to be followed pursuant to Section 10 in the course of production, import, supply, sale and distribution of iodized salt, the committee may give necessary order to such person or body to observe such terms, with specification of certain period.

(2) If the person or body having obtained permit does not carry out the order within the period specified pursuant to Sub-section (1), the committee may revoke the permit of such person or body.

(3) Prior to the revocation of permit pursuant to Sub-section (2), the committee shall give a reasonable opportunity to the concerned person or body having obtained permit to furnish explanation.

(4) A person or body who is not satisfied with the decision made by the committee to revoke permit pursuant to Sub-section (2) may make an appeal to the Ministry within Thirty Five days.

Chapter-3

Iodine Deficiency Disorder Prevention Committee

12. Iodine Deficiency Disorder Prevention Committee: (1)

There shall be formed an Iodine Deficiency Disorder Prevention Committee consisting of the chairperson and member as follows in order to make implementation pursuant to the policies and directions of the Government of Nepal.

- (a) Secretary, Ministry of Health Chairperson
and Population
- (b) Representative (Gazetted First
Class), Ministry of Industry Member
- (c) Representative (Gazetted First
Class), Ministry of Supplies Member
- (d) Representative (Gazetted First
Class), Ministry of Commerce Member
- (e) Representative (Gazetted First
Class), Ministry of Health and
Population Member
- (f) Chief, Central Food Member

Laboratory

- (g) Representative, Chamber of Commerce and Industry Member
- (h) Two persons nominated by the Government of Nepal from amongst the persons or bodies involved in the production, import, supply, sale and distribution of iodized salt Member
- (i) Nutrition specialist nominated by the Government of Nepal Member
- (j) One person on behalf of consumers Member
- (k) Such officer in the Ministry of Health and Population as designated by the Government of Nepal Member Secretary

(2) The tenure of office of the members as referred to in Clauses (h), (i), (j) and (k) and the member secretary shall be Two years and they may be re-nominated.

(3) The committee may invite an expert as an observer at its meeting.

(4) The Government of Nepal may, by a notification in

the Nepal Gazette, make necessary alteration or change in respect of the members.

(5) The Secretariat of the committee shall be located at the Ministry of Health and Population.

(6) The Government of Nepal shall provide such budget as may be required for the committee.

13. Meeting of committee: (1) The committee shall hold its meeting at least four times a year.

(2) The meeting of the committee shall be held at such place, time and date as may be specified by the chairperson.

(3) The presence of Fifty percent members of the committee shall be deemed to constitute a quorum for a meeting of the committee.

(4) A majority opinion shall prevail at the meeting of the committee. In the event of a tie, the chairperson shall exercise the casting vote.

(5) The decisions of the Council shall be authenticated by the member secretary.

(6) Other procedures relating to the meeting of the committee shall be as determined by the committee itself.

14. Functions, duties and powers of committee: In addition to the other functions, duties and powers mentioned in this Act, the functions, duties and powers of the committee shall be as follows:

- (a) To approve, as prescribed, the label and package of iodized salt submitted by a producer, importer, supplier and distributor.
- (b) To make coordination in activities on the publicity of information and educational materials relating to iodized salt.
- (c) To make supervision and monitoring as prescribed as to whether the provisions of this Act and the rules framed hereunder have been followed or not.
- (d) To give necessary direction to the inspector to investigate and file case against a person who produces, imports, supplies, sells and distributes iodized salt or iodine free salt in contravention of the provisions of this Act and the Rules framed hereunder.

Chapter-4

Certification of Quality and Approval of Label

- 15. Standards:** (1) The required standards of iodized salt at the time of its production, import, supply, sale and distribution shall be as fixed or recommended by the standards committee.
- (2) The Government of Nepal shall publish in the Nepal Gazette the standards of iodized salt fixed or recommended by the committee pursuant to Sub-section (1).
- (3) The Central Food Laboratory shall have powers to examine whether the iodized salt produced in or imported into Nepal conforms to the standards as mentioned in Sub-section (1).

(4) The iodized salt arriving the expiry date of standards fixed pursuant to Sub-section (1) shall not be supplied, sold or distributed, or caused to be supplied, sold or distributed, in markets.

(5) The procedures to be followed by the producer, importer, supplier, seller and distributor in packing and transporting the iodized salt shall be as prescribed in order to prevent degradation in quality of iodized salt, adulteration therein and infection thereof.

16. Certification of standards: (1) A producer, dealer or distributor shall, prior to the sale and distribution of iodized salt through a dealer in Nepal, get it examined and standards thereof certified by the Central Food Laboratory.

(2) In the case of iodized salt already produced or imported and marketed prior to the commencement of this Act, its producer or supplier or distributor shall get it examined by and obtain certification of standards from the Central Food Laboratory no later than six months after the date of commencement of this Act.

(3) The producer, importer or distributor shall, for purposes of Sub-sections (1) and (2), make an application, accompanied by a sample of iodized salt and the required fee, to the Central Food Laboratory, in the prescribed format.

(4) On receipt of the sample accompanied by the application pursuant to Sub-section (3), the Central Food Laboratory shall test it whether it conforms to the standards

fixed pursuant to Section 15 and certify the standards thereof if it is found to conform to the standards fixed.

17. **Approval of Label:** (1) Prior to the sale and distribution of iodized salt produced in or imported into Nepal, its producer or importer or distributor shall make an application, accompanied by the fees as prescribed, to the committee for approval of a label of such iodized salt.

(2) In the case of iodized salt already produced in or imported into Nepal prior to the commencement of this Act, its producer or supplier or distributor shall get its label approved by the committee no later than six months after the date of commencement of this Act.

(3) The producer, supplier or distributor shall prepare the label of iodized salt in such a manner as to give necessary information about, and encourage, the proper uses of iodized salt.

(4) A clear and easily understandable message with following information shall be printed in the label in the Nepali language, and in the English language as per necessity:

- (a) A logo as approved by the committee,
- (b) Full name and address of the producer and packaging person or body,
- (c) Net weight of iodized salt in the package,
- (d) Year and month of the packaging,
- (e) Iodine content in PPM,

- (f) Measures and techniques to be followed to avoid the loss, depreciation and decrease of iodine,
- (g) Expiry date of standards of iodize salt,
- (h) Other information as prescribed.

18. Appointment, functions, duties and powers of inspector:

(1) The Ministry may, on recommendation of the committee, appoint the inspectors in the required number in order to inspect and inquire into whether the producer, importer, supplier and distributor have observed this Act or the Rules framed under this Act or may, with the approval of the concerned body, designate any employee incumbent in the service of the Government of Nepal to act as an inspector.

(2) The qualification required for the inspector shall be as prescribed.

(3) The inspector shall inspect and inquire into, as prescribed, whether the producer, importer, supplier and distributor have observed this Act or the rules framed under this Act and submit a report thereof to the committee.

(4) The functions and powers of the inspector, other than those mentioned in Sub-section (3), shall be as prescribed.

Chapter-5

Information, Education and Obligations of Health

Institutions

- 19. Information and education on iodized salt:** (1) The Ministry shall grant approval for the propagation of useful

information and educational materials about iodized salt, in written, audible or visible form.

(2) The information and educational materials about iodized salt as referred to in Sub-section (1) shall be of such kind as to provide clear information about the following matters:

- (a) Necessity and importance of iodized salt for the health of human beings and animals,
- (b) Benefits from the use iodized salt,
- (c) Possible effects on the health of human beings and animals from eating or feeding non-iodized salt,
- (d) Difference of price between iodized salt and non-iodized salt,
- (e) Ways and techniques to be followed to avoid loss or evaporation of iodine mixed with iodized salt.

(3) Only the correct and useful information shall be contained in the information and educational materials as referred to in Sub-section (2) and shall be such kind as to discourage the use of iodine free salt.

20. Obligations of health institution: (1) The Ministry shall give necessary order and direction to the health institution to adopt necessary measures to encourage the general public to consume iodized salt.

(2) It shall be the duty of the health institution to carry out the order and direction given by the Ministry pursuant to sub-section (1).

21. Powers to suspend or cancel license, permit or

authorization: (1) If, based on the report submitted by the inspector under Sub-section (3) of Section 18, it appears that any producer, distributor, importer, supplier, seller and distributor have not observed this Act or the Rules or direction or order framed or issued under this Act, the Ministry may, on recommendation of the committee, write to the concerned body to suspend or cancel the license, permit or authorization which such producer, distributor, importer, supplier, seller and distributor have obtained from the Government of Nepal or any other body.

(2) Where writing is made to it pursuant to Sub-section (1), the concerned body shall also take necessary action to suspend or cancel such license, permit or authorization.

Chapter-6

Offense and Punishment

22. Offense considered to be committed: If one does an act as follows, one shall be deemed to have committed the offense as referred to in this Act:

- (a) Import, sale or distribution of iodine free salt into or in Nepal without obtaining approval of the committee pursuant to Section 3,

- (b) Production, import, supply, sale or distribution of iodized salt into or in Nepal without obtaining permit pursuant to Section 4,
 - (c) Production, import, supply, sale and distribution of iodized salt that do not conform to the standard fixed pursuant to Section 15,
 - (d) Any act other than the acts mentioned in clauses (a), (b) and (c), in contravention to this Act and the rules framed hereunder.
- 23. Punishment:** One who commits an offense as referred to in the following clauses of Section 22 shall be punished as follows:
- (a) One who commits the offense as referred to in clauses (a), (b) and (c) shall be punished with a fine equivalent to the amount in controversy, with confiscation of the amount in controversy, or with imprisonment for a term not exceeding One year or with both.
 - (b) One who commits the offense as referred to in Clause (b) shall be punished with a fine not exceeding One Thousand Rupees, according to the nature of offense.

Chapter-7

Miscellaneous

- 24. Liability of body:** If any body commits any act considered as an offense pursuant to this Act, the officer who acts as the chief administrative officer of that body shall be liable to punishment.

Provided that, such person shall not be liable to punishment for an offense committed prior to his/her being chief administrative officer.

25. Powers to form sub-committee: (1) The committee may, as per necessity, form a sub-committee for the implementation of the provisions contained in this Act and the Rules framed under this Act.

(2) The functions, duties and powers and procedures of the sub-committee to be formed pursuant to Sub-section (1) shall be as prescribed by the committee.

26. Delegation of powers: The committee may, as per necessity, delegate any of the powers conferred to it pursuant to this Act to the chairperson or any member of the committee or convener of member of a sub-committee or officer employee.

27. Government to be the Plaintiff: Government of Nepal shall be the plaintiff the case under this Act.

28. Investigation and filing of case: (1) The inspector shall investigate a case related with an offense punishable under this Act and, after completion of such investigation, file a case in the District Court.

(2) In investigating and filing the case pursuant to Sub-section (1), the inspector shall seek advice of the government attorney.

29. Powers to frame Rules: The Government of Nepal may frame necessary Rules in order to implement the objectives of this Act.