

Punjab Essential Articles (Control) Act, 1973

017 of 1973

[16 October 1973]

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SCHEDULE 1 :- SCHEDULE I

Punjab Essential Articles (Control) Act, 1973

017 of 1973

[16 October 1973]

An Act to provide for regulation of supply, distribution, prices and trade and commerce in respect of certain essential articles
Preamble.- WHEREAS it is expedient in the public interest to provide for powers to regulate and control the production, acquisition, prices, keeping, storage, movement, transport, supply, distribution, disposal, use or consumption of, and trade and commerce in, certain essential articles in the Province of the Punjab; It is hereby enacted as follows:-

1. Short Title, Extent And Commencement :-

- (1) This Act may be called the Punjab Essential Articles (Control)

Act, 1973.

(2) It extends to the whole of the Province of the Punjab.

(3) [2][* * * * *]

(4) It shall come into force at once.

2. Definitions :-

In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:-

(a) "Controller" means the Controller of Prices and Supplies appointed by the Government and includes a Deputy or Assistant Controller of Prices and Supplies so appointed, and any other officer authorised by the Government to exercise all or any of the powers of the Controller under this Act;

(b) "Government" means the Government of the Punjab;

(c) "essential articles" means any of the classes of articles mentioned in the Schedule to this Act; and

(d) "notified order" means an order made under section 3 of this Act and notified in the official Gazette.

3. Power To Control Production, Supply, Distribution, Etc. Of Essential Articles :-

(1) Government, so far as it appears to it to be necessary or expedient for maintaining or increasing supplies of any essential article, or for securing its equitable distribution and availability, or for controlling and fixing the prices of an essential article may, by notified order, provide for regulating or prohibiting the production, acquisition, treatment, keeping, storage, movement, transport, supply, distribution, availability at fair price, disposal, use or consumption thereof, and trade and commerce therein.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), an order made thereunder may provide-

(a) for regulating by licences, permits or otherwise, the production, manufacture, acquisition, treatment, keeping, storage, movement, transport, supply, distribution, disposal, use and consumption of any essential article;

(b) for prohibiting the withholding from sale of any essential article ordinarily kept for sale;

(c) for controlling and fixing the prices at which any essential article may be bought or sold in any area;

(d) for displaying in a prominent place of business premises a list of

prices fixed for sale and of the quantity of stock of essential articles available at the time of start of business on a day;

(e) for requiring any person holding stock of an essential article to sell the whole or a specified part of the stock to such person or class of persons or in such circumstances as may be specified in the order;

(f) for regulating or prohibiting any class of commercial or financial transactions relating to any essential article which, in the opinion of Government, officer or authority making the order are, or if unregulated are likely to be detrimental to public interest;

(g) for collecting any information or statistics with a view to regulating or prohibiting any of the aforesaid matters;

(h) for requiring persons engaged in the production, supply or distribution of, or trade or commerce in, any essential article, to maintain and produce for inspection such books, accounts and records relating to their business and to furnish such information relating thereto as may be specified in the order; and

(i) for any incidental and supplementary matters including, in particular, the entering and search of premises, vehicles, vessels and aircrafts, the seizure by a person authorised to make such search of any article in respect of which such person has reason to believe that a contravention of the order has been, is being, or is about to be committed or any records connected therewith, the grant or issue of licences, permits or other documents, and the charging of fees therefor.

[3][(j) for marking of fertilizer bags with the name of fertilizer, nutrient contents, and net weight of bag.]

(3) Government, so far as it appears to it to be necessary for maintaining or increasing the production and supply of an essential article, or for controlling and fixing of price of an essential article, may, by notified order, authorise the Controller to exercise with respect to the whole or any part of any such undertaking engaged in the production and supply of the articles as may be specified in the order such function of control as may be provided by the order.

(4) So long as an order is in force with respect to any undertaking or part thereof, the undertaking or the part thereof shall be carried on in accordance with any direction given by the Controller in accordance with the provisions of the order and any persons having any functions or management in relation to the undertaking or part thereof shall comply with any such direction.

4. Delegation Of Powers :-

Government may, by notified order, direct that the power to make order under section 3 shall, in relation to such matters and subject to such conditions, if any, as may be specified in the direction, be exercisable also by such officer or authority not below the rank of a Gazetted Officer subordinate to Government as may be specified in the direction.

5. Effect Of Orders Inconsistent With Other Enactments :-

A notified order shall have effect, notwithstanding anything inconsistent therewith contained in any enactment other than this Act, or any instrument having effect by virtue of any enactment other than this Act.

6. Punishment For Contravention :-

(1) If any person contravenes any notified order he shall be punished with imprisonment for a term which may extend to[4] [three] years or with fine which shall not be less than the value of the essential articles in respect of which the order has been contravened or with both and, if the order so provides, any Court trying such contravention may direct that any property in respect of which the Court is satisfied that the order has been contravened shall be forfeited to Government.

(2) The owner of any vessel, conveyance or animal carrying any property in respect of which any notified order is contravened, shall, if the carrying is a part of the transaction involving the contravention and if he knew or had reason to believe that the contravention was being committed, be deemed to have contravened the order, and, in addition to the punishment to which he is liable under sub-section (1), the vessel, conveyance or animal may when the order provides for forfeiture of the property in respect of which the order is contravened, be forfeited to Government.

(3) The provisions of this Act shall not apply to the possession, sale or movement of any essential article by a person discharging a contract entered into by him with the Government where the possession, or sale is in pursuance of that contract.

[5] [(4) Sub-section (1), as amended by the Punjab Essential Articles (Control) (Amendment) Act 1999 shall apply to all cases of investigation or trial of offences under this Act pending immediately before the coming into force of the aforesaid Amendment Act.

7. Attempt And Abetments :-

Any person who attempts to contravene or abets the contravention of any notified order shall be deemed to have contravened that order.

8. Offences By Corporation :-

If the person contravening a notified order is a company or other body corporate, every executive Director, Manager, Secretary or other officer or agent thereof shall, unless he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.

9. False Statements :-

If any person-

- (i) when required by a notified order to make any statement or furnish any information makes any statement or furnishes any information which is false in any material particular and which he knows or has reasonable cause to believe to be false or does not believe to be true; or
- (ii) makes such statement as aforesaid in any book, account, record, declaration, return or other document which he is required by any such order to maintain or furnish, he shall be punished with imprisonment for a term which may extend to seven years or with fine or with both.

10. Offences And Procedure :-

- (1) Offences under this Act shall be cognizable and non-bailable.
- (2) The procedure for the trial of offences under this Act shall be the same as is laid down in the Code of Criminal Procedure, 1898, for summary trials.

11. Presumption As To Orders :-

- (1) No order made in exercise of any powers conferred by or under this Act shall be called in question in any Court.
- (2) Where an order purports to have been made and signed by an authority in exercise of any power conferred by or under this Act, a Court shall presume within the meaning of Evidence Act, 1872, that such order was so made by that authority.

12. Protection To Action Taken Under The Act :-

(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any notified order.

(2) No suit or other legal proceeding shall lie against Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any notified order.

12A. Power To Make Addition To Schedule :-

Government may, by notification in the official Gazette, make additions to the Schedule.

13. Repeal :-

The Punjab Essential Article (Control) Ordinance, 1973, is hereby repealed.

SCHEDULE 1

SCHEDULE I

[See SECTION 2 (c)]

1. Iron and steel all sorts.
2. Cement.
3. Newsprint other than newsprint manufactured in Pakistan.
4. Bicycles.
5. Electric lamps.
6. Mechanically propelled vehicles including those in completely knocked down condition.
7. Tyres and tubes and spare-parts of mechanically propelled vehicles.
8. Caustic soda.
9. Soda ash.
10. Imported drugs and medicines other than Unani, Homeopathic or Ayurvedic and those compounded by dispensing chemists.
11. Surgical instruments and appliances, X-Ray films and X-Ray apparatus and electro-medical equipment.
12. Glucose.
13. Printers ink.
14. School and college stationery.
15. Tractor and tractor-drawn equipment.
16. Washing soap and toilet soap.
17. Cycle tyres and tubes.
18. Batteries.
19. Building hardware.
20. Cycle parts and accessories.
21. Non-ferrous metals.
22. Indigenous drugs and medicines (other than Unani, Homeopathic or Ayurvedic and those compounded by dispensing chemists), including administered by

injections.

23. Sewing machines and parts.

24. Cigarettes.

25. 35mm, raw films and X-Ray films.

26. Papers all sorts.

27. Imported chemicals, dyes.

28. Radio and wires and cables.

29. Sanitary and water supply fittings.

30. Shaving blades.

31. Tea.

32. Tallow.

33. Dry battery cells all sorts.

34. Television and television parts.

35. Jute bags, and hassian kenaf bags and other jute products.

36. Cotton, woollen and man-made fibre textile including yarn.

37. Glassplates and sheets.

38. Hydrogenated-non-hydrogenated vegetable oil.

39. Matches.

40. Fertilizers.

41. Coal and coke.

42. Pakka bricks all sorts including burnt tiles manufactured or burnt in any sort of kiln.

43. Wood all sorts including timber and fire-wood.