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GOVERNMENT OF BALOCHISTAN,
LAW AND PARLIAMENTARY AFFAIRS
DEPARTMENT.

NOTIFICATION

Dated Quetta, the 07" December, 2020

No. Legis: 1-201/Law/2020/274. The following Ordinance made by the Governor Balochistan on 20-11-2020, is hereby published for general information.

Balochistan Ordinance No. I of 2020
The Balochistan COVID-19 (Prevention of Hoarding)
Ordinance, 2020

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An
Ordinance

to provide for the prevention of hoarding in respect of scheduled articles, in the wake of an emergent situation resulting from the outbreak of the Corona virus pandemic (COVID-19)

WHEREAS, it is expedient to provide for the prevention of hoarding in respect of scheduled articles in an emergent situation resulting from the outbreak of the Corona virus pandemic (COVID-19) and for matters connected therewith

and ancillary thereto;

WHEREAS, Pakistan is a State Party to the International Health Regulations, 2005, issued by the World Health Organization, according to which Pakistan and Balochistan is under a direct obligation to prevent, protect against,

control and provide a public health response to international diseases;

WHEREAS, the World Health Organization has declared the Corona virus (COVID-19) to be a pandemic requiring multifaceted responses;

WHEREAS, events of the hoarding contribute to adversities, in geometric progression, to the people at large, especially in circumstances of partial or

complete lock-down;

AND WHEREAS, the Provincial Assembly is not in session and circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in the exercise of powers conferred by clause (l) of Article 128 of the Constitution of the Islamic Republic of Pakistan, 1973, the Governor Balochistan is pleased to make and promulgate the following

Ordinance:-

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1. Short title, extent and commencement.— (1) This Ordinance shall be called “The Balochistan COVID-19 (Prevention of Hoarding) Ordinance, 2020.” (2) It extends to the whole of Balochistan.

(3) It shall come into force at once.

2. Definitions.— In this Ordinance, unless there is anything repugnant in

the subject or context:—

(a)

(b)

(c)

(d)

“Dealer” means any person, trader, partnership, firm, whether registered or unregistered, an association or body of persons or individuals, or a company, or their agents carrying on the business of purchasing, selling or stocking of any scheduled article and includes a manufacturer, producer, packager, importer, exporter, wholesaler or retailer of such article;

“Government” means the Government of Balochistan;

“hoard” or “hoarding”:

(i) means stocking or storing anything in excess of the maximum quantity of scheduled articles allowed to be held in

stock or storage, in the manner as may be prescribed; or

(ii) where no maximum quantity of a scheduled article is prescribed under sub-clause (i), “hoard” or “hoarding” shall mean stocking or accumulation of scheduled articles without offering such articles for sale, despite there being a demand by consumers;

“officer” means the Deputy Commissioners of the Districts and such other officer as may be authorized by him in this behalf;

“ordinance” means the Balochistan COVID-19(Prevention of Hoarding) Ordinance, 2020;

(f) "prescribed" means prescribed by rules made under this Ordinance;

(g) "scheduled article" means any of the articles specified in the schedule to this Ordinance;

3. Offence of hoarding.— (1) Any dealer who is found to hoard any scheduled article shall be guilty of an offence punishable with simple imprisonment up to three (3) years and fine equivalent to 50 percent of the value

of the scheduled articles involved in the case.

(2) The value of scheduled articles for purposes of sub-section (1) shall be determined in the manner as may be prescribed.

4. Power to search for and seizure of scheduled article.— (1) When an officer has reasonable grounds to suspect, either upon information from anyone or on its own, that there has been a contravention of any of the provisions of this Ordinance, it may, after recording in writing the grounds of his suspicion, enter and search, without any warrant, any place where a dealer keeps, or is for the time being keeping, any scheduled article, accounts, registers or any other related items or things.

(2) Upon entry in and search of a premise under sub-section (1), if scheduled articles are found at such premise in contravention of this Ordinance, the officer shall immediately seize the same and prepare a detailed report of the scheduled articles and other relevant material found during the search.

(3) The provisions of the Code of Criminal Procedure, 1898 (Act V of 1898) shall not be applicable on search and seizure under this Ordinance.

5. Power to auction seized scheduled articles.— (1) Notwithstanding anything contained in any other law for the time being in force and in addition to the prosecution under this Ordinance, the officer may sell the scheduled articles seized under section 4 by auction, in the manner as may be prescribed.

(2) The proceeds collected under sub-section (1) shall be deposited in

a profit bearing bank account in the National Bank of Pakistan, and if. -

(a) the accused person whose scheduled articles are auctioned is acquitted of an offence under section 3, the deposited amount alongwith the profit shall be released to the said accused; or

(6) the accused person whose scheduled articles are auctioned is convicted of an offence under section 3, the deposited amount alongwith the profit shall be released into the

government exchequer.

6. Cognizance of offence and arrest without warrant— (1)

Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (V of 1898), all offences punishable under this Ordinance shall be cognizable and

non bailable.

(2) | The Special Magistrate under section 8 shall take cognizance of an offence under this Ordinance, upon written information by the officer.

(3) An officer may arrest any person without warrant against whom there is credible information that he has committed an offence under this Ordinance.

7. Offences by corporations etc.— If an offence under this Ordinance is committed by a company or body corporate or a partnership or other association or body of persons or individuals, every director, manager, secretary, member or other officer, the principal, primary or beneficial owner or agents 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 and shall be liable to punishment under this Ordinance.

8. Power to try offences summarily. ~ (1) Offences punishable under this Ordinance shall be tried by a Special Magistrate appointed under section 14A of the Code of Criminal Procedure, 1898 (Act V of 1898), in a summary manner as provided in sections 262 to 265 of the said Code:

Provided that sub-section (2) of section 262 of the Code of Criminal Procedure, 1898 (Act V of 1898) shall not apply.

(2) If a Special Magistrate has reason to suspect that any offence punishable, under this Ordinance, has been committed by any dealer or owner of a godown or a storage place or its management or agent thereof, he may enter the place or premises where the offence has been committed and try the offence on the spot.

(3) The trial under this Ordinance shall be concluded within thirty (30) days.

9. Appeal.— (1) A person aggrieved by an order of conviction and sentence under this Ordinance, may file an appeal to the Sessions Judge of the District, within thirty (30) days of the said order passed by the Special Magistrate.

(2) An appeal under sub-section (1) shall be disposed of within thirty (30) days.

10, Reward for informers.— Anyone who provides an information to an officer with regard to any act or acts of hoarding, which results in a conviction and release of funds into the Government exchequer, shall be entitled to an award equivalent to ten percent (10%) of the amount of fine imposed under

section 3 released to the government exchequer, in the manner as may be prescribed.

11. Information and declarations.— (1) Every dealer shall provide to an officer, such information regarding production, importation, exportation, purchase, stock, sale or distribution of any of the scheduled articles as the officer may, by an order in writing, require.

(2) The officer may direct the owners or manufacturers of scheduled articles or owners and management of godowns or storage places or their agents to declare stocks of any particular item, owned or managed by them at their premises, at any point in time or at such periodical intervals as may be deemed fit.

(3) The declaration to be made under sub-section (2), shall, *inter alia*, include, the quantity of stock, its value, date of purchase, copies of procurement invoices in any given time frame, along with details of any sale or sale agreements.

(4) The officer may verify the stock as well as the books or documents in respect of the stock, purchase or sale, at any time, in respect of scheduled articles.

(5) While carrying out the verification of stock in terms of sub-section (4) or upon receipt of any information from whatever source, the officer may require the dealer, owner or manager of a godown or storage place to furnish the details of persons, shops, firms or companies, etc. from whom the purchases

have been made and to whom the sales have been or are to be made.

12. Offences in respect of false reporting and failure to disclose information.— Any dealer or owner of a godown or a storage place or their management or agent, who fails to provide information or gives fake or false information with regard to any of the items or details under section 11, or provides information of contracts, agreements or arrangements found to be fake or false, or is otherwise found to be involved in speculative dealings or market manipulation, creating artificial, false or misleading appearance with respect to the price of, or market for, the scheduled articles, shall be guilty of an offence punishable with simple imprisonment upto three (3) years and fine equivalent to Rs.1,000,000.

13. Protection of action taken under the Ordinance.— (1) No suit, prosecution or other legal proceedings shall lie against any person for anything done in good faith.

(2) Except as provided in this Ordinance, no suit or other legal proceedings shall lie to challenge any proceedings under this Ordinance on any ground.

14. Action in aid of an officer.— In giving effect to the provisions of this Ordinance, an officer, where he deems fit, may seek the aid of law enforcement agencies.

15. Power to make rules.— The Government may, by notification in the official Gazette, make rules to carry out the purpose of this Ordinance.

16. Ordinance to override other laws.— The provisions of this Ordinance shall have effect notwithstanding anything contained in any other law for the time being in force.

17. Power to amend schedule.— The Government may, by notification in official Gazette, amend the schedule so as to add to, or omit from it, any commodity or class of commodities.

(JUSTICE (R) AMANULLAH KHAN YASINZAI)
GOVERNOR BALOCHISTAN

DR. MUHAMMAD AKBAR HARIFAL
SECRETARY LAW

10

SCHEDULE

(see section 2)

otherwise

Aerated water, fruits juices

and squashes

Salt

23

24

Potatoes

25

[1 | Tea 17 | Spices & Vegetables

2 | Sugar 18 | Red Chilli

3 | Milk 19 | Drugs and Medicines

4 | Powdered Milk 20 | Kerosene oil

5 | Milk and food for infants p24 Rice

6 | Edible oil, hydrogenated or | 22 | Wheat, Flour all sorts

Chemical fertilizers all sorts |

Poultry food

Surgical gloves

Onions 26 | Face masks |

1 | Pulses all sorts 27 | N95 masks

12 Fatal sorts 28 | Sanitizers

13 | Beef 29 | Surface cleaning products

14 | Mutton 30 | Pesticides

| 15 | Eggs 31 | Match sticks

16 | Gur 32 | Isopropyl Alcohol