

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW, JUSTICE, PARLIAMENTARY AFFAIRS AND HUMAN RIGHTS
DEPARTMENT MUZAFFARABAD

Dated: 9th February, 2016

No. LD/Legis-Act/221/2016. The following Act of Assembly received the assent of the President on the 8th day of February 2016, is hereby published for general information.

(ACT XXIV OF 2016)

An

Act

to provide for regulation of supply, distribution, prices and trade and commerce in respect of certain essential articles

WHEREAS, it is expedient in the public interest to provide for powers to 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 Azad Jammu and Kashmir;

Therefore, it is hereby enacted as follows:-

1. Short title, Extent and Commencement.- (1) This Act may be called the Azad Jammu and Kashmir Essential Articles (Control) Act, 2016.

(2) — It shall extend to the whole of Azad Jammu and Kashmir.

(3) 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 authorized by the Government to exercise all or any of the powers of Controller under this Act;

(b) "Essential Article" means any of the classes of Articles mentioned in the Schedule to this Act, and such other classes of Articles as may be declared by Government by notification to be Essential Articles for the purposes of this Act;

(c) "Government" means the Azad Government of the State of Jammu and Kashmir; and

(d) "Notified Order" means an order made under Section 3 of this Act and notified in the Official Gazette.

Power to Control production, supply, distribution etc., of essential articles.-

(1) The 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) or regulating by licenses, permits or otherwise, the production, manufacture, acquisition, treatment, keeping, storage, movement, transport, supply, distribution, disposal, use and consumption of any Essential Article;

(b) or prohibiting the withholding from sale of any Essential Article ordinarily kept for sale;

(c) or controlling the prices at which any Essential Article may be bought or sold in any area;

(d) or displaying in a prominent place business 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) or 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) or regulating or prohibiting any class of commercial or financial transactions relating to any Essential Article which, in the opinion of the Government, officer or authority making the Order are, or if unregulated are likely to be detrimental to public interest;

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

(h) or 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 authorized 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 licenses, permits or other documents, and the charging of fees thereof.

(3) Government, so far it appears to it to be necessary for maintaining or increasing the production and supply 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 or 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 under 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.

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 by such officer or authority not below the rank of a gazetted officer subordinate to the Government as may be specified in the direction.

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.

Punishment for contravention.- (1) If any person contravenes any Notified Order he shall be punished with imprisonment for a term which may extend to three years or with fine which shall not be less than the value of the Essential Article 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 in favour the Government:

Provided that where the contravention is of an order which contains an express provision in this behalf, the court shall make such direction, unless for reasons to be recorded in writing, it is of the opinion that the direction should not be made in respect of the whole, or, as the case may be, part of the property.

(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 shall when the order provides for forfeiture of the property in respect of which the order is contravened, be forfeited in favour of the 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.

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.

Offences_by Corporations.- If the person contravening a Notified Order is a company or other body corporate, every 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.

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 particular matter and which he knows or has reasonable cause to believe to be false or does not believe to be true; or

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(ii) makes any 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 three years or with fine or with both.

Offences and Procedure.- No court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by a person who is a public servant as defined in Section 21 of the Azad Penal Code, 1860 (Act XLV of 1860).

Presumption as to Orders.- (1) No order made in exercise of any power 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 the Qanun-e-shahadat Order, 1984 (X of 1984), as adapted in Azad Jammu and Kashmir, that such order was so made by that authority.

Protection of 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 the 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.

Sd/-

(Ch. Muhammad Nawaz)

Section Officer (Legislation)

SCHEDULE

[See Section 2 (b)]

Iron and steel all sorts.

Cement.

Newsprint other than newsprint manufactured in
Pakistan.

Bicycles.

Electric lamps.

Mechanically propelled vehicles including those in
completely knocked down condition.

Tyres and tubes and spare parts of mechanically
propelled vehicles.

Caustic soda.

Soda-ash.

Imported drugs and medicines other than Unani,
Homoeopathic or Ayurvedic and those compounded by
dispensing chemists.

Surgical instruments and appliance, X-Ray films and X-
Ray apparatus and electro-medical equipment.

Glucose.

Printers ink.

School and College Stationery.

Tractor and tractor-drawn equipment.

Washing soap and toilet soap.

Cycle tyres and tubes.

Batteries.

Building hardware.

Cycle parts and accessories.

Non-ferrous metals.

Indigenous drug and medicines (other than Unani,
Homoeopathic or Ayurvedic and those compounded by
dispensing chemists), including from administered by
injections.

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Sewing machines and parts.

Cigarettes.

35 mm. raw films and X-Ray films.

Papers all sorts.

Imported chemicals, dyes.

Radio, wires and cables.

Sanitary and water supply fittings.

Shaving blades.

Tea.

Tallow.

Dry battery cells of all sorts.

Television and television parts.

Jute bags and hessian kenaf bags and other jute
products.

Cotton, woolen and hand-made fibre textile including
yarn.

Glassplates and sheets.

Vegetable ghee.

Matches.

Fertilizers.

Coal and coke.

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