

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW AND PARLIAMENTARY AFFAIRS DEPARTMENT
MUZAFFARBAD.

Dated the 9th March, 1986.

No. 376-80/LD/Leg (A)/86. The following Act of the Assembly received the assent of the President on 5th day of March 1986 is hereby published for general information.

(ACT XII OF 1986)

AN

ACT

to provide for price control and prevention of profiting and hoarding

WHEREAS it is expedient to provide for price control and

prevention of profiteering and hoarding;

It is hereby enacted as follows: -

1. Short title, Extent and Commencement, - (1) This Act may be

called the Price Control and Prevention of Profiteering and
Hoarding Act, 1986.

(2) It extends to the whole of Azad Jammu and Kashmir
Territory.

(3) It shall come into force at once.

2. Definitions.- In this Act unless there is anything repugnant in the

subject or context:-

(a) 'Controller' means the Controller of Price and Supplies,
appointed by the Government, and includes any Deputy
or Assistant Controller of Price and supplies so
appointment and any other officer authorized by the
Governance exercise all or any of the power of the
Controller under this Act;

(b) 'dealer'? means a person carrying on, whether in
conjunction with any other business or not, the business
of selling essential commodity, whether whole-sale or
retail;

(c) 'essential commodity' means any of the commodities
classes of commodities mentioned in the Schedule;

(d) 'Government' means the Azad Government of the State
of Jammu and Kashmir;

(e) 'importer'? means a person importing into Azad Jammu
and Kashmir, whether under an import licence granted
the Government or otherwise, any essential

commencement from outside Azad Jammu and Kashmir, but does include a person importing any essential commodity part of his personal baggage;

(f) 'notified order' means an order notified in the Official Gazette; and

(g) 'Producer' means a person engaged in the manufacture or production of any essential commodity.

Power to make orders, etc.- (1) The Government, so far as it appears to it to be necessary or expedient for securing equitable distribution of an essential commodity and its availability fair prices, may, by notified order, provides for regulating prices, production, movement, transport, supply, distribution disposal and sale of essential commodity and for the price be charged or paid for it at any stage of transaction therein.

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

(a) for controlling the prices at which any essential community may be brought or sold in any area;

(b) for regulating the production, treatment and keeping of essential commodity;

(c) for regulating, be licences, permits or otherwise, the transport, movement and distribution between the districts of an essential commodity;

(d) for prohibiting the with-holding of sale of an essential commodity ordinarily kept for sale;

(e) for requiring any person holding stock in a district of an essential commodity to sell in another district the whole or a specified part of the stock at such price to such person or class or persons and under such conditions as may be specified in the order;

(f) for fixing the maximum quantity of any essential commodity which may at any time be possessed by a producer or dealer;

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

(h) for requiring persons engaged in any of the matters aforesaid in respect of any essential commodity 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;

(i) for requiring every importer, producer and dealer to mark

the essential commodities with the sale prices and to exhibit on his premises a price list of the essential commodities held by him for sale; and

G) for any incidental and supplementary matters, including in particular the entering and search of premises, vehicles and vessels, the seizure by a person authorized to make such search of any articles 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 record 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 therefore.

Delegation of powers.- The Government may, by notified order direct that any power conferred on it by or under this Act 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 subordinate to the Government as may be specified in the direction.

Effect of order inconsistent with other enactments. Any order made under Section 3 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.

Fixation of prices.- (1) Subject to such general or special orders as may be made by the Government under Section 3, the Controller may, by notification in the Official Gazette, fix specific maximum prices of essential commodities and different prices may be fixed for different localities or for different classes or categories of any essential commodities.

(2) No person shall sell or re-sell any essential commodity as a price higher than the maximum price so fixed.

(3) Every dealer, importer, or producer shall supply to the Controller such information regarding the production importation, purchase, stock, sale or distribution of any of the essential commodities as the controller, may by an order in writing or by a notified order, require.

Penalties.- (1) Any person who contravenes any order made under Section 3 or a notification issued, or order made under Section 6 shall be punishable with imprisonment for a term which may extend to three years and with fine which may extend to one lac rupees;

Attempts and abetments.- Any person who attempts to contravene, or abets a contravention of, any order made under Section 3 shall be deemed to have contravened the order.

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Provided that a person who buys an essential commodity for his personal consumption or use and not for sale shall not be deemed to have abetted the contravention of an order controlling the prices at which the essential commodity may be sold.

Offences by corporations.- If the person contravening an order made under Section 3 is a company or other body corporate or a partnership or other body of individuals, every director, manager, Secretary, member 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 contravention.

False statement.- If any person —

(i) when required by an order made under Section 3 to make a statement or furnish any information makes any statement or furnishes any statement 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 any 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 punishable with imprisonment for a term which may extend to three years, or with fine or with both.

Power to try offences summarily.- Offences punishable under this Act shall be tried by a Magistrate of the First Class who may, if so empowered try the same in the manner provided in Section 262 to 265 of the Code of Criminal Procedure, 1898 (Act V of 1898).

Offences under this Act to be cognizable and non-bailable.- Notwithstanding anything contained in the Code of Criminal

Procedure or any other law for the time being in force, offence punishable under this Act shall be cognizable and non-bailable.

Power to amend Schedule.- The Government may by notification

in the official gazette, amend the Schedule so as to add to, or omit from it any commodity or class of commodities.

Presumption as to order.- (1) No order made by any authority other than a court in exercise of any power conferred by or under this Act a court 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, within the meaning of Evidence Act, 1872 (I of 1872), presume that such order was so made by that authority.

Burden of proof in certain cases.- Whereas any person is prosecuted for contravening any order made under Section 3 which

prohibits him from doing an act or being in possession of a thing without lawful authority or without a permit, license or other

document, the burden of proving that he has such authority, permit, or license or other documents shall be on him.

16. 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 order made under Section 3.

(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 order made under Section 3.

17. Savings.- Notwithstanding any judgment, decree or order of any court including High Court, every thing done, all action taken, notifications issued, orders or appointments made proceeding initiated, jurisdiction or powers exercised under the provisions of the Price Control and Prevention of Profiteering and Hoarding Ordinance, 1978 (Ordinance LIII of 1978) succeeding Ordinances issued from time to time shall be deemed to have been validly, done, taken, issued, made, initiated or exercised under this Act.

18. Repeal.- The Price Control and Prevention of profiteering Hoarding Ordinance, 1985 (Ordinance CCII of 1985) is hereby repealed.

SCHEDULE

(See Section 2)

1. Tea 2. White Sugar 3 Milk 4. Powdered Milk 5. Milk Food for infants. 6. Edible Oil, hydrogenated or otherwise. 7. Aerated water, fruit juices and squashes. 8. Cigarettes. 9. Salt. 10. Potatoes. 11. Onion. 12. Pulses all sorts. 13. Fish all sorts. 14. Beef. 15. Mutton. 16. Eggs. 17. gur. 18. Biscuits (Packeted). 19 Spices and vegetables. 20. Red Chillies. 21. Drugs and Medicines 22. Electric lamps (Bulbs). 23. Kerosine oil. 24. Oil Stoves. 25. Charcoal. 26. Firewood. 27. Matches 40/50 stick. 28 Coal. 29 Yarn and cloth all sorts. 30. Towel. 31. Soaps laundry and washing soap and toilet soap. 32. Tooth brush. 33. tooth paste. 34. Shaving blades. 35. Shaving cream soap and stick. 36. Footwear all sorts. 37. Shoe Polish. 38. Paper all sorts. 39. Exercise books of all sorts. 40. Text books of all sorts. 41. Cycles. 42. Mechanic all propelled vehicles including those in completely knocked down condition and parts thereof, provided that the motor cars included in the mechanically propelled vehicles shall have the same meaning as in the Motor Vehicles Ordinance, 1972. 43. Tractors. 44. Chemical fertilizers all sorts. 45. Tyres and Tubes for mechanically propelled vehicles and cycles 46. Batteries and accumulators all sorts. 47. Dry cell all sorts. 48. Marine Engines. 49. Lubricants and grease all sorts. 50. Jute bags and Hessian and kneaf products. 51. Poultry feed. 52. Bricks. 53. Cement. 54 Wheat. 55. Wheat atta. 56. Brown Sugar. 57. Rice all sorts.

Sd/-

(Syed Atta Mohy-ud-Din Qadri)

Deputy Secretary Law.

