

THE [KHYBER PAKHTUNKHWA] PROCUREMENT OF
FOOD GRAINS ACT, 1948.

(ACT XVI OF 1948).

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ACT

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1 Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

THE [KHYBER PAKHTUNKHWA] PROCUREMENT
OF FOODGRAINS ACT, 1948.

(ACT XVI OF 1948).

(Received the assent of the Governor, ?[Khyber Pakhtunkhwa],
on the 2nd November, 1948).

An Act for the procurement of foodgrains at controlled prices.

WHEREAS it is expedient to provide for the procurement of
foodgrains at controlled prices; It is hereby enacted as follows:

1. (1) This Act may be called the *[Khyber Pakhtunkhwa] Procurement
of Foodgrains Act, 1948.

(2) It extends to the whole of the "[Province of the Khyber
Pakhtunkhwa].

(3) It shall come into force at once.

(4) It shall cease to have effect on the expiration of such period as
the Provincial Government may notify in the Official Gazette, except as
respects things done before the expiration thereof.

2. In this Act, unless there is anything repugnant in the subject or
context:—

"foodgrain" means wheat, maize, gram, barley or any other food
grain notified by the Provincial Government in the Official
Gazette as such;

"Landowner" does not include a Tenant or an assignee of land-
revenue but does include a person to whom holding has been
transferred or an estate or holding has been let in farm, for the
recovery of an arrear of land-revenue of or a sum recoverable as
such an arrear and every other person not hereinbefore in this
clause mentioned who is in possession of the estate or any share
or portion thereof, or in the enjoyment of any part of the profits
of an estate;

"tenant" means a tenant as defined in the *Punjab Tenancy Act,
1887;

1 Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

2 Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

3 Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

4 Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

Preamble.

Short title, extent, and
commencement.

Definition.

5 This Act has been repealed in the Khyber Pakhtunkhwa and replaced by the Khyber Pakhtunkhwa Tenancy Act XXV of 1955.

"Collector" shall include an officer acting under the direction of the Collector under Sections 10 and 11 and the officer appointed by the Collector under Section 12 of this Act.

3. The Collector of each district shall assess the average yield of foodgrains per jarib on the various classes of land situated within his district, such as Nehri, Chahi, Rod Kohi and Barani.

4. Landlords and tenants shall surrender to the Government or their authorised representative, by a date or within a period, to be fixed by the Collector or any officer authorised by him in this behalf, by a general or special order, made in respect of a person or a class or group of persons inhabiting a particular locality, at places to be specified by the Collector or such Officer, such proportion by the yield as the Government may by a Notification assess on all holdings in excess of the areas specified hereunder:—

(a) When the land is cultivated by the owner (Khud Kasht):—

(1) 10 Jaribs "nehri" "abi" or other irrigated land,

(2) 15 Jaribs "barani".

(b) When the lands is cultivated by Tenant:—

(1) 20 Jaribs "nehri" "abi" or other irrigated, land,

(2) 30 Jarib "barani".

In the case of land which is not "Khud Kasht" the quantity of grain to be sold to the Government by the landlord and tenant respectively shall be in the ratio in which the produce is divided between them.

When the rent is paid in cash, grain will be recovered from the tenant only at the scale notified after making allowance for the rent paid to the landlord or lessor, provided that in the case of general order effecting more than one person due publicity should be given to the order by such means as the Collector or any Officer acting under his discretions may consider proper.

5. Payment will be made by the Government through the authorised representative for grain surrendered under the foregoing provisions at rate to be notified by the Government.

6. The Government may direct any person assessed to pay Land Revenue amounting to Rs. 250 or more to pay the equivalent of the sum due on account of land revenue and abiana or a portion thereof, in foodgrains at the rate or rates notified under Section 5.

Assessment of yield.

Procurement of
Foodgrains.

Payment for foodgrains
procured.

Land Revenue and

Abiana to be paid in
kind.

7. Reductions may be permitted by the Collector in the quantity or grain due to be sold to the Government under Section 4:—

(a) In regard to crops which have not matured to the normal level, according to the principles governing the assessment of fluctuating Land Revenue.

(b) For the maintenance of hujras and religious institutions.

8. In the case of minors, lunatics or purdhanashin ladies, who do not themselves cultivate the land or sell the produce, the guardian or agent or other person acting on their behalf shall be liable to be assessed directed an order to make payment in kind and shall be deemed to be landowner or tenant, as the case may be for the purposes of this Act.

9. Every order passed, assessment made or directions given by the Government or the Collector under this Act shall be final and shall not be called in question in any civil, revenue or criminal court.

10. The Collector or any officer authorised by him in this behalf by a special or general order together with such persons to assist him as he may deem necessary may enter upon and inspect any land or building in connection with the enforcement of these provisions.

11. The Collector or any officer authorised by him in this behalf by a special or general order may seize any foodgrain wherever it may be, which has been, or which he has reason to believe is likely to be sold or otherwise transferred or dealt with against the provisions of Section 4 and confiscate it to the Government:

[Provided that no foodgrain shall be confiscated under this section without giving the person affected an opportunity of being heard].

12. The Collector or any officer appointed by him by a special or general order may by an order in writing require any landlord or tenant to furnish information in regard to grain in his possession.

13. Any person who contravenes or attempts to contravene or abets or attempts to abet a contravention of any of the provision of this Act, or who obstructs any authorised official in the exercise of powers conferred by this Act shall be punishable with imprisonment which may extend to three years, or fine or both.

14. (1) No suit, prosecution or other legal proceeding shall lie against any person for or in respect of anything which is in good faith done or intended to be done under this Act.

1 Ins. vide Khyber Pakhtunkhwa Act No. II of 1985.

Exemptions.

Guardians or Agents
liable under this Act.

Finality of orders.

Power of search.

Seizures and
confiscation of
foodgrain.

Furnishing of
Information.

Penalties.

Indemnity for acts
under the act.

(2) No suit or other legal proceeding shall lie against the Provincial Government for any damage caused or likely to be caused by anything in good faith done or intended to be done, under this Act.

15. The Provincial Government may make rules, including directions regarding the collection of and payment for grain surrendered to Government and to carry out the purposes of this Act.

16. (1) The "[Khyber Pakhtunkhwa] Procurement of Foodgrains Ordinance, 1948, (Ord. No. VI of 1948), is hereby repealed.

(2) All orders used, appointments made, foodgrains procured, seized and confiscated and penalties imposed under the *[Khyber Pakhtunkhwa] Procurement of Foodgrains Ordinance, No. VI of 1948, shall be deemed to have been issued, made, procured, seized and confiscated and imposed under, this Act.

1 Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

2 Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

Power to make Rules.

Repeal and saving.