

SINDH ACT NO.IX OF 2006

THE SINDH ESSENTIAL COMMODITIES PRICE CONTROL AND PREVENTION OF ~ PROFITEERING AND HOARDING ACT, 2005

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/ THE SINDH ESSENTIAL COMMODITIES PRICE CONTROL AND PREVENTION OF PROFITEERING AND HOARDING ACT, 2005

(27 December, 2006]

An act to provide for price control and prevention of profiteering on and hoarding of essential commodities.

WHEREAS it is expedient to provide for price Preamble. control and prevention of profiteering on and hoarding of essential commodities and to provide for matters ancillary thereto;

It is hereby enacted as follows:-

Is (I) This Act may be called the Sindh Essential Short title and Commodities Price. Control and Prevention of Profiteering and commencement. Hoarding Act, 2005.

(2) It shall come into force at once.

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

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

'f(a-i) "authorized officer" means any officer authorized by Government under clauses (a) and (e) for carrying out the purpose of this Act:];

b) "dealer" means a person carrying on, whether in conjunction with any other business or not, the business of selling any essential commodity, whether wholesale or retail;

c) "essential commodity" means any of the

iF commodities or classes of commodities mentioned in F the First Schedule;

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1 New clause (a-i) inserted, in section 2, by the Sindh Ordinance I of 2023, dated 23-03-2023.

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d) "Government" means the Government of Sindh:

{(d-i) "hoard" or "hoarding" means stocking or storing anything in excess of the maximum quantity of articles allowed to be held in stock or storage, in the manner as may be prescribed and/or where no maximum quantity of an article is prescribed, it shall mean the stocking or accumulation of articles without offering such articles for sale, despite there being a demand by consumers;]

2[(e) "Inspector" means an officer authorized by Government. to exercise the powers of Inspector under this Act within such local limits as may be specified in the notification] =: ~

f). "Local Government" shall have the same meaning as

assigned to it in the Sindh Local 'Government Ordinance, 2001; :

g) "notified order" means: an order notified in the official Gazette;

h) "producer" means a person "engaged in the manufacture or production of any essential commodity;

i) "prescribed" means prescribe by rules;

j) "rules" means rules made under this Act; and

k) "Schedule" means a Schedule to this Act.

3: (1) Government so far as it appears to it to be Powers to make

necessary or expedient for securing equitable distribution of an orders. essential commodity and its availability at fair price may, by notified order, provide for regulating the Prices, production, movement transport, supply, distribution, disposal and sale of

the essential commodity and for the price to be charged or

paid for it at any stage of transaction therein.

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

"

| New clause (d-i) inserted, in section 2, by the Sindh Ordinance 1 of 2023, dated 23-03-2023, 2 Subs, for the "Clause (c)"., ibid.

THE SINDH ESSENTIAL COMMODITIES PRICE CONTROL AND PREVENTION OF

provide—

a)

b)

d)

e)

f)

g)

h)

PROFITEERING AND HOARDING ACT, 2005

for controlling the prices at which any essential commodity may be bought or sold in any area;

for regulating the production, treatment and keeping of any essential commodity;

for regulating by license, permit or otherwise, the transport movement and distribution between the district of an essential commodity;

for prohibiting. the. withholding of sale of an essential commodity ordinarily kept for sale;

for requiring any person holding stock in a district of an essential commodity to sellin another district the whole or a specified part of the stock at such price, to such persons or class:of persons. and under such conditions as: may'be specified in the order;

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

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

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;

for requiring every 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;

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j) for specifying duties and functions of the Inspectors;

k) for any incidental and supplementary matters, including in particular the entering and search of premises, vehicles, the seizure by an inspector authorized to make such search of any article of essential commodities in respect of which such inspector has reason to believe that a contravention of the order has been, is being or is about to be committed, or an records connected therewith, the grant or issue of licences, permits or other documents and the charging of fees therefore; and

l) for providing content details for commodities that require so, alongwith the dates of production and expiration.

4. 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 Government as may be specified in the direction.

5. (1) The 'authorized officer] shall be responsible to check the prices, stock and record of essential commodities.

(2) The [authorized officer] shall be responsible for the implementation of the Act under the supervisions of Executive District Officer (Revenue).

(3) The Executive District Officer (Revenue) may give such directions and issue and such Instructions to the authorized officer] as he deems fit for proper Implementation of the Act. ~

Delegation of powers.

Power and Functions of the District Officer.

a See
| Subs, for the words "Deputy District Officer (Revenue)" and "District Officer (Revenue)" in section 5, by the

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IISA. (1) When any authorized officer has reasonable grounds to suspect, either upon receiving credible information or in his opinion that there has been a contravention of any of the provisions of this Act, he 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 article, accounts, registers or any other related items or things.

(2) Upon entering into and searching a place under sub-section (1), if- articles found at such place in contravention of any of the provisions of this Act, the authorized officer may impose fine under section 13 and/or seize the articles and prepare a detailed report of the articles and other relevant material found during the search.

(3) The accused person whose articles have been seized under sub-section (2), may file an appeal before the Special Magistrate appointed under section 14-A of the Code of Criminal procedure, 1898 (Act No. V of 1898), hereinafter referred to as the Code.

(4) The authorized officer, in addition to 'the seizure of articles under sub-rule (3), may, if he deems appropriate and by recording the reasons in writing, seal such a place, shop or store for a period not exceeding thirty days.

(5) The dealer may file an application to the Director General, Bureau of Supply and Prices, Government of Sindh for de-sealing of: such a place, shop or store sealed under sub-section (4), which may, upon reasonable assurance and correction of the offence by the dealer, pass such orders for de-sealing of such a place, shop or store, as the case may be:

Provided that in case of the subsequent offence, the offender shall be punished in accordance with section 8.

5B. (1) Notwithstanding anything contained in any other law, for the time being in force, and In addition to the prosecution under this Act, the articles selzed under section 5A may be sold by an authorized officer through public auction on the spot at

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1 "New Sections 5A, 5B, 5C, 5D, 5, 5I¹ and 5G" inserted by the Sindh Ordinance 1 of 2023, dated 23-03-2023.

Power to check
price, search for,
seizure of article

and sealing the
business place or
premises.

Power to auction
seized articles.

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the notified price or according to the average market rate
prevailing in the locality.

(2) The auction proceeds so collected under sub-section
(1), shall be deposited in a profit bearing bank account in any
Schedule Bank empowered to receive Government dues if -

(a) the accused person whose articles are
auctioned is acquitted of an offence under section 3 and
section 7, the deposited amount shall be released to the said
accused person; or

(b) the accused person whose articles are
auctioned is convicted of an offence under section 3 and
section 7, the deposited amount shall be forfeited to
Government.

5G; (1) Notwithstanding anything contained in the Code,
all offences punishable under this Act shall be cognizable and
non-bailable.

(2) The Special Magistrate Under section 5D shall take
cognizance of an offence under 'this Act, upon written
information by the authorized officer under this Act.

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

5D. (1) Notwithstanding anything contained in section 260
of the Code, offences punishable under this Act shall be tried
by a Special Magistrate appointed under section 14-A of the
Code, in a summary manner as provided in sections 262 to 265
of the Code:

Provided that sub-section (2) of section 262 of
the Code shall not apply to the trials of offences under sub-
section (1),

(2) The trial under this Act shall be concluded within
thirty days.

5E, (1) Any person aggrieved by an order of conviction
and sentence under this Act may file an appeal before a
District and Sessions Judge of the concerned District within thirty
days of the said order.

Cognizance of

offence and

arrest without

warrant.

Power to try

offences

summarily,

Appeal.

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

oF. (1) Any person who provides an information to an authorized officer with regard to any act of hoarding, price hike and violation under this Act, which results in conviction and deposit of fine amount into Government treasury, shall be entitled to an award equivalent to ten percent of the amount of fine so recovered to Government exchequer in such manner as may be prescribed.

(2) The claim for reward by such person shall be rejected, if -

(a) he is public office holder, an employee of Federal, Provincial, Local Government or any autonomous organization under federal or provincial government or spouse, parents, siblings and children of aforementioned persons; and

(b) any authorized person already had such information. .

5G. (1) Every dealer shall provide to the authorized officer, such information regarding production, import, export, purchase, stock, sale or distribution of any of the articles as the inspector or the officer may, by an order in writing, require.

(2) The authorized officer may direct the owner or manufacturer of articles or owner: and management of godowns or storage places, shop keepers 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 he may deem fit.

(3) The declaration fo be made under sub-section (2), shall 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 authorized 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 articles.

(5) While carrying out the verification of stock In terms of

Reward for
informers.

Information an
declarations.

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sub-section (4) or upon receipt of any information from whatever source, the authorized officer may require the dealer, shop keeper, 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].

6. 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.

ie (1) Subject to such general or special'order as:may be made by Government under section 3, the District 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 at a price higher than the maximum price so fixed.

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

8. Any person who contravenes any order made under section 3 or a notification issued, or order made under section 7 shall be punished with imprisonment for a term which may extend to [six months] or fine which may extend to 2[one lac rupees], or with both:

Provided that, if a person convicted for an offence punishable under this section is again convicted for such offence the term of imprisonment awarded to him shall not be less than three days [with a fine which may extend to one million rupees but not less than five lac rupees].

! Subs for the words "three months" by the Sindh Act No, IV of 2008, dated: 11-09-2008,
2 Subs, for the words "thirty thousand rupees" by the Sindh Ordinance | of 2023,

dated 23-03-2023, fam

3 The words added in the proviso of section 8,, ibid.

Effect of orders
inconsistent with

other enactment.

Fixation of prices

Penalties.

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9. Any Person who attempts to contravene or abets a Attempts and contravention of any order made under section 3 shall be abetments

deemed to have contravened the order:

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 price at which the essential commodity may be sold.

10. 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 the 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.

11. 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 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 punished with imprisonment for a term which may extend to three months or fine which may extend to ten thousand rupees, or with both,

Offences by corporations

False statements

12. No court shall take cognizance of an offence under this Cognizance of Act except upon a complaint in writing by concerned Offence

Inspector.

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"2A. (1) No order made by any authority other than a Court 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, within the meaning of Qanun-e-Shahadat, 1984 (President's Order No.10 of 1984), presume that such order was so made by that authority.].

13. (1) | Where any person in the opinion of an Inspector is committing an offence mentioned in the Second Schedule in respect of an essential commodity the Inspector may, notwithstanding, anything to the contrary contained in this Act, charge such person on the spot by issuing a ticket for payment of fine specified in the ticket 2[by the inspector on spot].

Provided that in case the offence is repeated the amount of fine shall be double of the amount specified in the Schedule.

(2) | The ticket under sub-section (1) shall be issued in quadruplicate by delivering three copies to the person committing the offence after obtaining his signatures or thumb in pression on the fourth copy to be retained by the Inspector for record.

(3) A person charged with an offence under this section shall unless contest the charge, before the court having jurisdiction, pay, within ten days from the date of delivery of the ticket to him, the penalty specified for the offence mentioned in the ticket through cash [to the authorized officers on spot] or a branch of the National Bank of Pakistan empowered to received Government dues.

(4) The Bank or Post Office shall provide two copies of the ticket to the offender with endorsement of receipt of amount of fine and forward one copy to the concerned Treasury Office.

(5) The offender shall deliver one copy of duly paid ticket in the office of the concerned Inspector within ten days.

1 Inserted "New Section 12A" by the Sindh Ordinance | of 2023, dated 23-03-2023,

2 The words added in sub-section (1) of section (13), ibid.

3 Subs, for the words "in the assigned Post Office", ibid,

Presumption as to
order.

Imposition of fine
through ticketing

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(6) If the fine is not paid, the Inspector issuing the ticket shall lay a complaint against the offender before the court having jurisdiction.

14. (1) The Inspector shall maintain record of offences in which tickets were issued, the cases which were not contested or contested before the Court, complaints were filed for prosecution, the recovery of fines, punishment awarded and similar ancillary matters.

(2) The Inspector shall furnish monthly reports on the tenth day of each month regarding the enforcement activities within the area of his jurisdiction in the manner as may be prescribed.

15. To enforce the provisions of this Act, if the situation so warrants, the Inspector shall be provided police assistance by the Station House Officer of the concerned Police Station.

16. Government may, by notification, in the official Gazette, make rules for carrying out the purposes of this Act.

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

18. Where 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, licence or other document, the burden of proving that he has such authority, permit, licence or other document shall be on him.

19. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Maintenance of record

Police support to inspectors, etc

Powers to make rules

Power to amend Schedule

Burden of Proof in
certain cases

Protection of
action taken
under the
Ordinance.

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PROFITEERING AND HOARDING ACT, 2005

FIRST SCHEDULE

(see section 2-c)

LIST OF ESSENTIAL COMMODITIES

Fresh Milk.

Powdered Milk.

Beef.

Mutton,

Chicken Meat.

Milk for infants.

White sugar.

Tea.

Edible Oils including ghee.

Aerated water

Fruit Juices and Squashes.

Vegetable.

Fruits.

Fish.

Eggs.

Pulses all sorts.

Wheat Floor.

Rice.

Red chillies.

Spices all sorts (packed and un-packed)

Bakery items including nimco.

Salt

Drugs and Medicines,

Kerosene Oil,

Matches

Coal, Charcoal, Firewood

Chemical Fertilizers all sorts

— ————— eee

1 New Entries added after entry No.2], in First Schedule by the Sindh Ordinance | of 2023, dated 23-03-2023

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28. Poultry Feed
29. Cement
30. Phutti (seed cotton)
31. Cotton (Lint)
32. Cottonseed all sorts and other seeds of all sorts
33. Wool, shoddy or raw

34. Caustic Soda

35. Soda Ash

36. Paddy

37. — Pesticides.

38. |Meat on Hoof

39, Surgical Gloves

40. Face Masks

4). N95 Masks

42. Sanitizers

43. Surface Cleaning Products

44. — \sopropyl Alcohol

45. Ice -

46. — Bricks

47. Wheat

48. Ordinary Sand

49. | Oxygen Gas and Cylinder

50. Maida/ or any other product of Atta

51. Crush Bajri

52. Mineral Water and Filtered Water

53. Dates

54. — Roti, Naan, Chapati

55. Oil Seeds

56. Fodder of all sorts

57. Basin and its products

58. Rice Flour

59. — Chicks.]

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1{ SECOND SCHEDULE

(see section 13)

OFFENCES AND FINE ON SPOT BY ISSUING A TICKET

S.No | Offence Amount of Fine

(i) Upto Rs. 100,000, for

Failure to display price lists of essential
producer or dealer;

(ii) | Upto Rs. 20000, For

retailers other than push

commodities

cart vendors

(iii) Upto Rs. 10,000, push
cart vendors.

Upto Rs. 100,000

Failure to declare stock of essential

commodities.

Sale of the essential commodities mentioned in | Upto Rs. 100,000
the First Schedule at a higher price than the

notified price.

Note: The payment of amount of fine shall be determined by the authorized officer

and varied on the conditions and size of the business being done by the offender].

' Subs. for the Second Schedule by the Sindh Ordinance I of 2023, dated 23-03-2023