

THE PUNJAB PREVENTION OF SPECULATION IN ESSENTIAL COMMODITIES ORDINANCE 2021

(XV of 2021)

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TEXT

**THE PUNJAB PREVENTION OF SPECULATION IN ESSENTIAL
COMMODITIES ORDINANCE 2021**

(XV of 2021)

[25 March 2021]

An
Ordinance

to provide for the prevention of speculation in essential commodities.

It is expedient to provide for prevention of speculation in essential commodities to curb artificial price hike and profiteering in the best public interest.

Provincial Assembly of the Punjab is not in session and Governor of the Punjab is satisfied that circumstances exist which render it necessary to take immediate action.

In exercise of the powers conferred under clause (1) of Article 128 of Constitution of the Islamic Republic of Pakistan, Governor of the Punjab is pleased to make and promulgate the following Ordinance:

1. Short title, extent and commencement.- (1) This Ordinance may be cited as the Punjab Prevention of Speculation in Essential Commodities Ordinance 2021.

(2) This Ordinance extends to whole of the Punjab.

(3) This Ordinance shall come into force at once.

2. Definitions.- In this Ordinance:

(a) “authorized officer” means Director General Industries, Prices, Weights and Measures, Punjab, Director Food, Cane Commissioner, Punjab, a Deputy Commissioner or an officer authorized by him in this behalf, or any other officer as may be nominated by the Government to perform any function under this Ordinance;

(b) “Code” means the Code of Criminal Procedure, 1898 (V of 1898);

(c) “common house” means any structure including a house, room, tent, enclosure, vehicle, vessel, warehouse, or any other place in which essential commodities or any instrument pertaining to an essential commodity is kept, stored, used or traded through speculation;

(d) “dealer” includes any person, trader, firm, an association, body of persons or individuals, a company or their agents carrying on the business of purchasing, selling or storing essential commodities and includes a manufacturer, producer, packager, importer, exporter, wholesaler or retailer of essential commodities;

¹ This Ordinance was Promulgated by the Governor of the Punjab on 25 March 2021; and, was published in the Punjab Gazette (Extraordinary), dated: 25 March 2021, pp. 7401-7408.

- (e) "delivery order" means a document, instrument or written order from an owner or his agent directed to a warehouse or a carrier authorizing the release of transportation of essential commodities to the consignee;
- (f) "essential commodity" means any of the commodities mentioned in the Schedule to this Ordinance or any other commodity as the Government may, by notification in the official Gazette, declare to be an essential commodity;
- (g) "speculation" includes wagering, betting or *Satta*, by whatever name called, in trading in an essential commodity for unreasonable profit or return through an instrument, a gaming house or any mode or medium including electronic medium such as smartphone, internet or any communication appurtenance or technology;
- (h) "Government" means Government of the Punjab;
- (i) "instrument" means any financial instrument used or intended to be used as a means of carrying on or facilitating speculation, and includes any document used as a register or as record or evidence of any speculation;
- (j) "prescribed" means prescribed by the rules;
- (k) "person" includes a natural and legal person;
- (l) "rules" means the rules made under this Ordinance; and
- (m) "Schedule" means the Schedule appended to this Ordinance.

3. Information and declarations.- (1) Every person shall provide to authorized officer information regarding production, purchase, stock, sale or distribution of essential commodities and such other information as may be prescribed.

(2) An authorized officer may direct the owner or manufacturer of essential commodities or owner or manager of godowns or storage places or their agents to declare stocks of essential commodities.

(3) The declaration under subsection (2) shall include the quantity of stocks, their value, date of purchase, copies of procurement invoices 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 subsection (4) or upon receipt of any information from whatever source, the authorized officer may require the producer, 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 of essential commodities have been made and to whom the sales of essential commodities have been or are to be made.

(6) Whoever contravenes the provisions of subsection (1) or provides false information shall be punishable with imprisonment for a term which may extend to six months and fine which may extend to one hundred thousand rupees.

4. Registration of delivery order.- (1) Every person or consignee or owner or agent to whom delivery order of essential commodities is made shall get the delivery order register with the authorized officer of the district where such essential commodity is stored in such manner as may be determined by the authorized officer.

(2) Whoever contravenes the provisions of subsection (1) or provides false information shall be punishable with imprisonment for a term which may extend to six months and fine which may extend to one hundred thousand rupees

5. Period for lifting of.-(1) Every person or consignee or owner or agent shall be bound to lift essential commodities as per delivery order within fifteen days from issuance of the delivery order except for industrial purpose or bulk consumer where the lifting shall be done within ninety days:

Provided that in case of *force majeure*, the authorized officer may extend time for lifting of sold essential commodities for another fifteen days.

(2) Any sold essential commodities not lifted within the stipulated period mentioned under subsection (1) shall be liable to be seized by the authorized officer.

6. Power of search and seizure.- (1) When an authorized officer has reasonable grounds to suspect, either upon information from anyone or on his own, that there has been a contravention of any of the provisions of this Ordinance, he may, after recording in writing the grounds of his suspicion, enter and search, without any warrant, any common house where a dealer keeps, or is for the time being keeping essential commodities stock or instruments of speculation or essential commodities, its accounts, registers or any other related items or things ancillary thereto.

(2) Upon entry in and search of a premises under subsection (1), if any article or instrument is found at such premises in contravention of any of the provisions of this Ordinance, the authorized officer shall immediately seize the same and prepare a detailed report regarding the articles, instruments or material found during such search.

(3) The provisions of the Code shall not be applicable on search and seizure under this Ordinance.

7. Power to sell seized essential commodities.- (1) Notwithstanding anything contained in any other law for the time being in force and in addition to the prosecution under this Ordinance, the authorized officer may sell the essential commodities seized under this Ordinance at the notified price within thirty days of the seizure.

(2) The proceeds collected under subsection (1) shall be deposited in the concerned treasury, and if:

(a) the accused person whose stock of essential commodity is sold is acquitted of the offence, the deposited amount shall be released to the accused; or

(b) the accused person whose essential commodities are sold, is convicted of the offence the deposited amount shall be deposited into the Provincial Consolidated Fund.

8. Penalty for owning or keeping or having charge of a common house.-

Whoever:

- (a) having the use of any house, room, tent, enclosure, vehicle, vessel or other place keeps or uses, or knowingly or willfully permits the same to be occupied, kept or used by any other person as a common house; or
- (b) has the care or management or in any manner assists in conducting the business of any common house; or
- (c) advances or furnishes money for the purpose of speculation with persons frequenting any common house, shall be punishable with imprisonment for a term which may extend to three years or fine which may extend to one million rupees but which shall not be less than five hundred thousand rupees.

9. Penalty for being found in common house.- Whoever is found in any common house in which essential commodities stock or any instrument of essential commodities is being kept or used for speculation, shall be punishable with imprisonment for a term which may extend to one year but which shall not be less than six months and fine which may extend to five hundred thousand rupees but shall not be less than one hundred thousand rupees.

10. Penalty for offence of speculation.- Any person found involved in the business of speculation in essential commodities shall be guilty of an offence punishable with simple imprisonment up to three years and fine equivalent to fifty percent of the value of the articles involved in the case but which shall not be less than five hundred thousand rupees.

11. Aiding and abetting.- A person shall be guilty of an offence under this Ordinance if he participates in, associates, conspires to commit, attempts to commit, aides, facilitates, or counsels the commission of an offence specified in the Ordinance and shall be punishable with imprisonment for a term which may extend to one year but which shall not be less than six months and fine which may extend to five hundred thousand rupees but shall not be less than one hundred thousand rupees.

12. Inquiry, Investigation and Trial.- (1) For the purposes of this Ordinance, the inquiry, investigation and trial shall be conducted under the Code.

(2) For the purposes of subsection (1), the authorized officer shall have all the powers conferred by the Code and this Ordinance.

(3) The authorized officer shall proceed for enquiry of a matter under this Ordinance, and he may seek assistance from any statutory body for the purpose.

(4) Notwithstanding anything contained in section 13 and any other provision of this Ordinance or any other law for the time being in force, if an authorized officer believes that he is unable to proceed for enquiry under subsection (3) owing to any compelling reason, he may refer the matter to Anti- Corruption Establishment established under the Punjab Anti-corruption Establishment Ordinance, 1961 (XX of 1961), and the Establishment may also co-opt any other

agency or regulator of the Federal Government or the Government for the purpose of enquiry and investigation of the matter.

(5) The enquiry, investigation and trial of a matter referred to Anti-Corruption Establishment under subsection (4) shall be conducted as per the Punjab Anti-Corruption Establishment Ordinance, 1961 (XX of 1961).

13. Cognizance.- (1) Notwithstanding anything contained in the Code, all offences punishable under this Ordinance shall be cognizable and non-bailable, but a case may not be registered under this section without an enquiry.

(2) The trial under this Ordinance shall be concluded within ninety days.

14. Offences.- The Court having jurisdiction under this Ordinance shall within its territorial jurisdiction, exercise jurisdiction to try and adjudicate the offences punishable under this Ordinance.

15. Offences by corporations etc.- If an offence under this Ordinance is committed by a company, body corporate, partnership firm, other association, body of persons or individuals, every director, partner, 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.

16. Power to amend the Schedule.- The Government may amend the Schedule for carrying out the purposes of this Ordinance.

17. Power to make rules.- The Government may, by notification in the official Gazette, make rules for the purpose of carrying into effect the provisions of this Ordinance.

18. Override effect.-This Ordinance shall have effect notwithstanding anything contained in any other law for the time being in force.

SCHEDULE
Section 2(f)
Essential Commodities

1. Sugar
2. Wheat
3. Vegetable Ghee, Cooking/ Edible oil
4. Rice