

THE WEST PAKISTAN FOODSTUFFS (CONTROL) ACT, 1958.

(W. P. ACT XX OF 1958)

CONTENTS.

PREAMBLE

SECTIONS:

1. Short title, extent and commencement.
2. Definitions.
3. Powers to control supply, distribution, etc, of foodstuffs.
4. Delegation of powers.
5. Effect of orders inconsistent with other enactments.
6. Penalties.
- ¹[6.A Disposal of property for feited Government.]
7. Attempts and abetments.
8. Offences by corporation.
9. False statement.
10. Offences and procedure.
11. Bar of jurisdiction and reference to arbitration.
- ²[11-A Presumption as to Orders.]
12. Burden of proof in certain cases.
13. Protection of action taken under the Act.
14. Repeal.

¹ Added vide Khyber Pakhtunkhwa Ord. No. IX of 1971.

² Section 11-A, ins. by Khyber Pakhtunkhwa Act XIII of 1977.

THE WEST PAKISTAN FOODSTUFFS (CONTROL) ACT, 1958.

(West Pakistan Act XX of 1958)¹

[23rd April, 1958]

An Act to provide for the continuance of powers to control the supply and distribution of, and trade and commerce in, foodstuffs

WHEREAS it is expedient in the public interest to provide for the continuance of powers to control the supply, distribution and movement of, and trade and commerce in, foodstuffs in West Pakistan:— Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the West Pakistan Foodstuffs (Control) Act, 1958. Short title extent and commencement.

²[(2) It extends to the whole of ³[Province of the Khyber Pakhtunkhwa] except, the Tribal Areas].

(3) It shall come into force at once.

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

(a) "foodstuff" means any of the following classes of commodities:—

(i) wheat, wheat atta, maida, rawa and suji;

(ii) rice and paddy;

(iii) sugar, and

(iv) such other commodity⁴ or class of commodities as may be declared and notified by the Government to be foodstuffs for the purposes of this Act;

(b) "Government" means the Government of ⁵[Khyber Pakhtunkhwa], and

¹ For Statement of Objects and Reasons see Gazette of West Pakistan 1957 Extra-ordinary PP. 412 and 413.

² Subs, vide W. P. Ord. VIII of 1963.

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

⁴ For Notification in respect of commodity see Food and Agriculture Department Notification No. 7627-(FI)-F & V-56/676 "dated" 27th January, 1958.

⁵ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

(c) "notified order" means an order notified in the official Gazette.

3. (1) The Government, so far as it appears to it to be necessary or expedient for maintaining supplies of any foodstuffs or for securing its equitable distribution and availability at fair prices, may, by notified order, provide for regulating or prohibiting the keeping, storage, movement, transport, supply, distribution disposal, acquisition, use or consumption thereof and trade and commerce therein.

Powers to control supply distribution etc of food stuffs.

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

- (a) for regulating by licences, permits or otherwise the manufacture of any article of food from any foodstuffs;
- (b) for controlling the prices at which any foodstuff may be bought or sold;
- (c) for regulating by licences, permits or otherwise, the storage, transport, distribution, disposal, acquisition, use or consumption of any foodstuff;
- (d) for prohibiting the withholding from sale of any foodstuff ordinarily kept for sale;
- (e) for requiring any person holding stock of any foodstuff to sell the whole or a specified part of the stock to such persons or class of persons or in such circumstances as may be specified in the order;
- (f) for regulating or prohibiting any class of commercial or financial transactions relating to any foodstuff which, in the opinion of the authority making the order is, or is likely to be, detrimental to public interest;
- (g) for collecting any information or statistics with a view to regulating or prohibiting any of the aforesaid matters;
- (h) for requiring persons engaged in the supply or distribution of, or trade or commerce in, any foodstuffs, 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 aircraft, the seizure by a person authorised 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 records connected therewith, the grant or issue of licences, permits or other documents, and the charging of fees therefor.

4. The Government, may, by notified order, direct that the power to make orders under section 3 shall, in relating to such matters and subject to such conditions, if any, as may be specified in the direction, be exercisable also by an officer or authority subordinate to the Government. Delegation of Powers.
5. 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. Effect of orders inconsistent with other enactments.
6. (1) If any person contravenes any order made under section 3, he shall be punished with imprisonment for a term which may extend to ¹[three years, but shall not be less than seven days, or with fine which may extend to forty-five thousand rupees, but shall not be less than five thousand rupees] or with fine, or with both and, if the order so provides, any Court trying such contravention shall direct that any property in respect of which the Court is satisfied that the order has been contravened shall be forfeited to the Government, 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, a part of the property. Penalties.
- (2) The owner of any vessel, conveyance or animal carrying any property in respect of which an order under section 3 is contravened, shall, if the carrying is 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 to the Government.
- ²[(3) If any person to whom a direction is given under sub-section (2) of section 3, fails to comply with the direction, he shall be punished with imprisonment for a term which may extend to three years, but shall not be less than seven days, or with fine, which may extend to forty-five thousand rupees, but shall not be less than five thousand rupees or with both.]
- ³[6.A. Government may, from time to time, by Notification in the official Gazette, make rules consistent with this Act, to regulate- Disposal of property for feited Government.

¹ Substituted vide Khyber Pakhtunkhwa Act. No. XV of 2013.

² Substituted vide Khyber Pakhtunkhwa Act. No. XV of 2013.

³ Added vide Khyber Pakhtunkhwa Ord. No. IX of 1971.

- (a) the disposal of property forfeited to Government under this Act or the orders made under section-3; and
- (b) the reward to be paid to officers out of such confiscations.]

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

8. If the person contravening an order made under section 3 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. Offences by Corporation.

9. If any person- False Statement.

(i) when required by an order made under section 3 to makes any statement or furnishes any information, 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 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.

10. ¹[(1)] 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 Pakistan Penal Code, 1860. Cognizance of offences.

²(2) Government may, by notification in the official Gazette, direct that all or any of the offences or class of offences under this Act shall be tried in summary way in accordance with the procedure prescribed by Chapter XXII of Code of Criminal Procedure, 1898 (V of 1898).

11. No order made in exercise of any power conferred by or under this Act shall be called in question in any Court. Presumption as to orders.

(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 Evidence Act, 1872, that such order was so made by that authority.

¹ Section 10 re-numbered as sub-section (1) and sub-section (2), ins. by Khyber Pakhtunkhwa Ord. XXII of 1978.

² Section 10 re-numbered as sub-section (1) and sub-section (2), ins. by Khyber Pakhtunkhwa Ord. XXII of 1978.

¹[11-A. No suit or other proceedings shall lie in any civil court in respect of any matter which the Provincial Government or any officer or authority is empowered by or under this Act, or the orders made thereunder to determine, and no injunction or process or order shall be granted by any such court in respect of any action taken or to be taken in exercise of any power conferred by or under this Act or the orders made thereunder]. Bar of jurisdiction.

12. 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. Burden of proof in certain cases.

13. (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. Protection of action taken under the Act.

(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.

14. The following enactments are hereby repealed, namely:— Repeal.

(1) The Bahawalpur Food grains Control Act, 1947;

(2) The Bahawalpur Control of Essential Supplies Commodities Act, 1948.

(3) The West Pakistan Foodstuffs (Control) Ordinance, 1957.

¹ Inserted vide Khyber Pakhtunkhwa Act XIII of 1977.