

**THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.**

Dated the August 10, 1978.

No. 2827/SL/78. The following Ordinance made by the President on the 10th day of August, 1978, is hereby published for general information:-

(ORDINANCE LIII OF 1978)

AN
ORDINANCE

to provide for price control and prevention of profiteering and hoarding

WHEREAS it is expedient to provide for price control and prevention of profiteering and hoarding ;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action ;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance :-

1. **Short title, extent and commencement.**- (1) This Ordinance may be called the Price Control and Prevention of Profiteering and Hoarding Ordinance, 1978.
 - (2) It extends to the whole of Azad Jammu and Kashmir Territory.
 - (3) It shall come into force at once.
2. **Definitions.**- In this Ordinance, 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 appointed and any other officer authorised by the Government to exercise all or any of the powers of the Controller under this Ordinance ;
 - (b) 'dealer' means a person carrying on, whether in conjunction with any other business or not, the

business of selling any essential commodity, whether whole-sale or retail;

- (c) 'essential commodity' means any of the commodities or 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 license granted by the Government or otherwise, any essential commodity from outside Azad Jammu and Kashmir, but does not include a person importing any essential commodity as 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.

3. **Powers to make orders, etc.-** (1) The Government , so far as it appears to it to be necessary or expedient for securing equitable distributions of an essential commodity and its availability at fair prices, may, by notified order, provide for regulating the prices, production, movement, transport, supply, distribution, disposal and sale of 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 thereunder may provide: –

- (a) for controlling the prices at which any essential commodity may be bought or sold in any area ;
- (b) for regulating the production, treatment and keeping of any essential commodity ;
- (c) for regulating, by licenses, 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 persons or class of 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 any 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
- (j) for any incidental and supplementary matters, including in particular the entering and search of premises, vehicles and vessels, 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 licenses, permits or other documents and the charging of fees therefore.

4. **Delegation of Powers.**- The Government may, by notified order direct that any power conferred on it by or under this Ordinance 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.
5. **Effect of orders inconsistent with other enactments.**- Any order made under section 3 shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Ordinance or any instrument having effect by virtue of any enactment other than this Ordinance.
6. **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 resell any essential commodity at 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.

7. **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:

Provided that, if a person convicted for an offence punishable under this sub-section is again convicted for such offence, the term of imprisonment awarded to him shall not be less than one year.

(2) If the order made under section 3, so provides, any court trying any contravention of such order may direct that any property in respect of which the court is satisfied that the order has been contravened shall be forfeited to the Government.

8. **Attempts and Abatements.**- 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:

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.

9. **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 such contravention.

10. **False statements.**- 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.

11. **Power to try offences summarily.**- Offences punishable under this Ordinance 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).

12. **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.

13. **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 Ordinance 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 Ordinance a court shall, within the meaning of Evidence Act, 1872 (I of 1872), presume that such order was so made by that authority.

14. **Burden of proof in certain cases.**- 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, license or other document, the burden of proving that he has such authority, permit, or license or other document shall be on him.

15. **Protection of action taken under the Ordinance.**- (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

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anything which is in good faith done or intended to be done in pursuance of any order made under section 3.

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 (Packed) 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 sticks 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. Mechanically 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 bages and hessian and kenaf products 51. Poultry feed 52. Bricks 53. Cement.

(Mohammad Ibrahim Khan)
President,
Azad Jammu & Kashmir.

Sd/- (Syed Mohammad Akram Shah)
Deputy Secretary Law.