

GOVERNMENT OF EAST BENGAL
DEPARTMENT OF CIVIL SUPPLIES

The East Bengal 8[Foodstuffs] Price Control and Anti-Hoarding Order, 1953
NOTIFICATION

No. 5221 D.C.S-8th August, 1953- In exercise of the powers under subsection(1) of section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (Act XXIV of 1946), read with clauses (c) , (d), (e), (f), (i) and (j) of sub-section (2) of that section, delegated by the Government of Pakistan, Ministry of Food, Agriculture and Health, by notification No py-16/47, dated the 3rd February 1948, the Governor is pleased to make, with the concurrence of the Government Pakistan, the following Order, namely:-

1. (1) This order may be called the East Bengal (Foodstuffs) price control and Anti- Hoarding order, 1953.
(2) It extends to the whole of east Bengal.
(3) It shall into force in such areas and on such dates as the Provincial Government may, by notification in the official Gazette direct.
2. In this Order, unless there is anything repugnant in the subject or context_
 - (a) "family" includes all-persons who live together in a private house and are members of the same mess;
 - (b) "form" means a form as set out in the schedule to this Order;
 - (c) "notification" means a notification published in the official Gazette;
 - (d) "retailer" means a trader who sells any foodstuff directly to a consumer;
 - (e) "trader" means any person engaged in the purchase, sale or storage for sale of any foodstuffs;
 - (f) "wholesaler" means a trader other than a retail trader

**"(g) "foodstuff" meant rice, rice in the husk (paddy), wheat and wheat products and shall include any other foodstuffs which the Provincial Government may from time to time, by notification in the official gazette, declare for the purpose of this Order"

3. (1) The Provincial Government may, from time to time, by notification, fix the maximum prices at which any foodstuff may be sold by (a) retailer, (b) a wholesaler, or (c) any other person and for this purpose may fix different prices for different areas of the province, and may in like manner vary, amend or rescind any notification issued under this clause.
(2) The Provincial Government may by notification, require any trader to mark on any foodstuff, the maximum prices fixed under sub-clause (1) in such manner as may be prescribed and the trader concerned shall mark such commodity accordingly.

*(As amended by Notification No. 2674-F.D, dated the 13th April 1954)

*(As added by Notification No. 6543-F.D, dated the 17th July 1956)

- (3) A notification under sub-clause (1) shall specify the date from which the period for which and the area within which such maximum price has been fixed.
4. When the maximum price at which any foodstuff may be sold by any person has been fixed under paragraph 3-
- (a) no person shall sell or agree to sell and no trader shall purchase or agree to purchase any such foodstuff at a price exceeding such maximum price;
 - (b) no trader shall sell or offer or exhibit for sale any foodstuffs in respect of which marking a maximum prices has been required under sub-clause (2) of clause 3 unless such commodity has been so marked;
 - (c) notwithstanding contained in any contract, no retailer, or wholesaler and no person shall sell or purchase, or deliver or accept delivery of any foodstuff, at a price exceeding the maximum price treed under sub-clause (1) of clause-3.
5. (1) The Provincial Government may direct that no trader or class of traders shall carry on the business of any foodstuff except under and in accordance with the conditions of a licence issued in this behalf by the Provincial Government or any officer authorised by it.
- (2) The Provincial Government may, from time to time, by notification specify the fee which may be charged for the grant or renewal of any licence issued under this Order *** "order the issue of a duplicate licence if the original one is difaced, lost or destroyed, or for the grant of an extra copy of the licence" and manner in which such fees shall be paid and limit the period of validity of the licence.
- (3) Application for licences under sub-clauses (1) shall be made to the provincial Government or any officer authorise by it in From I set out in the Schedule to this Order and licences issued under the said sub-clause shall be in Form It set out in the schedule.
6. The Provincial Government may-
- (a) require a trader to maintain true accounts relating to such transaction in such manner and form as the The Provincial Government may may prescribe;
 - (b) require a trader to submit such returns, reports, or statements relating to such transactions as the The Provincial Government may consider necessary.
7. (1) The Provincial Government may, be notification, direct that no family, wholesaler or retailer shall keep in its or his possession or under its or his control any foodstuff in excess of the quantity specified in such notification.

Explanation_ For the purpose of this clause the possession or control of any one member of a family shall be deemed to be the possession or control of every adult member of that family.

(2) The Provincial Government may direct that no trader or class of trader shall keep in his possession or under his control any foodstuff for any period longer than that specified in the notification.

*(As amended by Notification No. 2284-F.D, dated the 7th March 1957)

(3) If on the date of issue of a notification under sub-clause (1) above in respect of any foodstuff any family, wholesaler or retailer, has in its or his possession or control any quantity of such foodstuff in excess of the quantity specified in such a notification the head of the family, wholesaler or retailer concerned, shall forthwith * or within such time as may be specified in the notification" report the fact to the Provincial Government or any officer empowered in this behalf by the Provincial Government and shall take such action as to storage, distribution or disposal of the excess quantity as the Provincial Government or such officer may direct.

(4) The Provincial Government may, by notification, add to, amend, vary or rescind any order made under this clause.

8. The Provincial Government may, by general or special order in writing, require any trader holding stock of any foodstuff to sell the whole or specified part of that stock at prices within the maximum limit fixed under sub-clause (1) of clause-3, to such person or class of persons as may be specified in the order.

9. The Provincial Government may, by notification, direct that no trader holding stock of any foodstuff shall, unless previously authorised to do so by the Provincial Government withhold such article from sale or refuse to sell it to any person, in quantities not contrary to the normal practices of his business.

**"9A. The Provincial Government may, by notification in the official Gazette, direct that no trader, family, wholesaler or retailer shall move or cause to be moved any foodstuffs from any other means whatsoever, except under an authority in writing issued in this behalf by the Provincial Government or any officer authorised by it".

10. Any officer, authorised in this behalf by the Provincial Government by general of special order in writing may_

- (a) require a trader to maintain accounts relating to transactions in any foodstuff in such manner and form as the officer so authorised prescribes;
- (b) require a trader to submit such true returns, reports or statements relating to such transactions as the officer so authorised may consider necessary;
- (c) require a trader to cause his storage godown to be registered in such manner and within such period whose godown has been so registered shall store any foodstuff in any place other than the godown so registered.

11. The provisions of this Order shall not apply to the possession or control of any foodstuff by or on behalf of the Provincial Government or the Central Government.

*(As amended by Notification No. 130-F.D, dated.4-1-1958)

*(As amended by Notification No. 207-F.D(IP), dated.16-4-1966)

12. The Provincial Government may by order in writing exempt any person of class of person from all any of the provision of this order subject to such condition if any as may be specified in such order.

13. Any officer authorised in this behalf by the Provincial Government by general or special order in writing may-

(a) to be used for the purchase sale or storage for sale of any foodstuff.

(b) enter upon and inspect any premises tents or vessels used or believed that contravention of this order has been committed;

(c) direct the owner occupier or other person-in-charge of such premises tents or vessels or any trader to produce any books accounts vouchers or other documents relating to the purchase sale or storage for sale of any foodstuff or to furnish such information relating to such transaction as the officer so authorised may require.

(d) inspect or cause to be inspected any books accounts vouchers or other document relating to such transactions;

(e) take or cause to be taken extracts from or copies of any documents relating to such transactions.

14. If any person contravenes any provision of this order or of any order passed under it then, without prejudice to any other punishment to which he may be liable, the court trying the contravention may direct that the stock of any foodstuff in respect of which the contravention has occurred, shall be forfeited to the provincial Government provided that when the foodstuff in respect of which the contravention has occurred is a foodstuff the Court shall make such direction unless for reasons to be recorded in writing the Court is of the opinion that direction should not be made in respect of the whole or, as the case may be a part thereof.

15. Any person other than a bona fide consumer who attempts to contravene or abets a contravention of any provision of this order or of any order passed under it shall be deemed to have contravened that provision.

16. The Provincial Government may by notification direct that any power or duty which is conferred or imposed by this order on the Provincial Government shall be subject to such conditions if any as may be specified in the notification be exercised or discharged also by any officer or authority subordinate to it.

17. Any Person empowered to do any act under this order shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860)

18. The Provincial Government may make rules for carrying out the purpose of this order.

19. The Provisions of this order shall be in addition to and not in derogation of any other law for the time being in force regulating prices possession and control of foodstuff.

(2) All notification directions or authorisation issued or deemed to be issued under the East Bengal Foodgrains Anti-Hoarding order 1949 and the East Bengal Foodgrains price Control Order 1950 which were in force and deemed to be issued in pursuance of this order.

The Schedule

FORM I

[See Clause 5 (3)]

Form of Application for a Licence to Trader for purchase, Sale and Storage for Sale of Foodstuffs.

(1) Applicant's name.....

(* Note - If the application is made on behalf of a corporation body the applicant's position vis a vis that body should be specially stated)

(2) Applicant's father's name.....

(3) Applicant's Profession.....

(4) Applicant's residence.....

(5) Situation of applicant's business premises with particulars as to village police station and district.....

(6) Location of Applicant's godowns or shop where the goods will be kept.....

(7) Names of Foodstuffs for which licence is wanted

(8) Area of business for which licence is wanted.....

(9) How long the applicant has been trading in the foodstuffs.....

(10) Quantities and kinds of foodstuffs handled annually during the past three years.....

(Xi) Medical and surgical instruments and appliances;
(Xii) Glass and glassware including scientific and laboratory equipment;
(xiii) Artificial silk yarn;
(xiv) Cycles their spare part and tyres and tubes for the same;
(xv) Matches;
(xvi) timber
(xvii) sanitary and water supply fittings
(xviii) infant and patient foods and allied articles
(xix) cement
(xx) cigarettes
(xxi) fertilisers
(xxii) tallow
(xxiv) torch cells
(xxiv) such other classes of commodities as may be declared by the Provincial Government by notification in the official Gazette to be essential commodities for the purpose of this Act.

- (b) foodstuffs shall include edible oilseeds and oil;
- (c) notified order means an order notified in the Official Gazette and
- (d) paper shall include newspaper.

3. Power to control production supply distribution etc, of essential commodities- (1) the Provincial Government so far as it appears to it to be necessary or expedient for maintaining of increase supplies of any essential commodity or for securing its equitable distribution and availability at fair price may by notified order provide for regulating or prohibiting the production treatment keeping storage movement transport supply distribution disposal acquisition use or consumption thereof and trade and commerce therein.

(2) Without prejudice to the generality of the power conferred by sub-section (1) an order made thereunder may provide:

(a) for regulating by licence permits or otherwise the production or manufacture of any essential commodity;

(b) for controlling the prices at which any essential commodity may be bought or sold;

(c) for regulating by licence permits or otherwise the storage transport distribution disposal acquisition use or consumption of any essential commodity;

(d) for prohibiting the withholding from sale of any essential commodity kept for sale;

(e) for requiring any person holding stock of an essential commodity to sell the whole or a specified part of the stock at such prices and to such person or class of person or in such circumstances as may be specified in the order;

(f) for regulating or prohibiting any class of commercial or financial transaction relating to foodstuffs or cotton textiles which in the opinion of the authority making the order are or if unregulated are likely to be detrimental to public interest.

(g) for requiring person engaged in the production, supply or distribution of trade or commerce in any essential commodity to maintain and produce for inspection such books accounts and records relating to their business and to furnish such information relating there

for collecting any information or statistics with a view to regulation or prohibiting any of the aforesaid matters.

(3) An order made under sub-section (1) may confer powers and impose duties upon the Provincial Government, or Officers and authorities of the Provincial Government.

(4) The Provincial Government so far as it appears to it to be necessary for maintaining or increasing the production and supply of an essential commodity, may by order authorise any person (hereinafter referred to as an authorised controller) to exercise with respect to the whole or any part of any such undertaking engaged in the production and supply of the commodity as may be specified in the order; such functions of control as may be provided by the order; and so long as an order made under this sub-section is in force with respect to any undertaking or part thereof—

(a) The authorised controller shall exercise his function in accordance with any instruction given to him by the provincial Government so however that he shall not have any power to give any direction inconsistent with the provisions of any act or other instrument determining the functions of the undertakers except in so far as may be specifically provided by the order ; and

(b) The undertaking or part shall be carried on in accordance with any directions given by the authorised controller in accordance with the provision of the order and any person having any functions of management in relation to the undertaking or part shall comply with any such directions.

4. Delegation of powers- The Provincial Government may by notified order direct that the power to make orders under section 3 shall in relation to such matters and subjects to such condition, if any as may be specified in the direction, be exercisable also by such officer or authority subordinate to the Provincial Government or 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 Act.

6. Penalties- (1) If any person contravenes any order made under section 3, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both and if the order so provides, any Court trying such contravention may direct that any property in respect of which the Court is satisfied that the order has been contravened shall be forfeited to the Provincial Government.

Provided that where the contravention is of order relating to foodstuffs which contains an express provision in this behalf the Court shall make such direction , unless for reasons to be recorded in writing it is of opinion that the direction should not be made in respect of the whole , or as the case may be, a part of the property.

(3) 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

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

8. Officers by Corpotations_ If the person contravening an order made under section 3 a company or other body corporate, every director, manager , secretary or other officer or agent there of shall unless he proves that contravention took place without his knowlage or that ne exercised all due diligence to prevent such contravention be deened to be guilty of such contravention.

9. False statement _ If any person_

(I)When required by an order made under section 3 to make any statement or furnish any information make any statement or furnishes any information which is false any material particular and which he knows or has reasonable case to believe to be false or dose not believe to be true , or

(ii) Make 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 punishable with imprisonment for a term which may extend to three years or with fine or with both.

10. Cognizance of offence_ No Court shall take cognizance of any offence punishable under this Act except on a repot in writing of the facts constituting such offence made by a person who is a public servent as defined in section 21 of the Pakistan Penal Code, 1860 (XLV of 1860).

11. Power to try pffences summarily_ Any Magistrate or branch of Magistrate empowered for the time being to try in summary way the offences specified in sub-section (I) of section 260 of the Code Criminal Procedure, 1898 (V of 1899) may on application in this behalf being made by the prosecution, try in accordance with the privision contained in section 262 of the said Code any offence punishanle under this Act.

12. Special provision fines- Notwithstanding anything contained in section 32 of the Code of Criminal Procedure , 1898 (V 1898), it shall br lawful for any Magistrate of the First class specially empowered by the provincial Government in this behalf to pass a sentence of fine exceding one thousandrupees on any person ccnvicted of contravening an order made under section 3.

13. Presumption as to orders- (1) No order made in exercies 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 exercies of any power conferred by or under this Act, a Court shall, with in the meaning of Evidence Act. 1872 (1 of 1872), presume that such order was so made by that authority.

15. Protection of action taken under Act_ (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 or any officer under it 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.

16. Repeal and saving -(1) The East Pakistan Control of Essential Commodities Ordinance, 1956 (E. P. Ord. X of 1956), is hereby repealed.

(2) Notwithstanding such repeal, any order made or deemed to be made under the East Pakistan Essential Commodities Ordinance, 1956 (E. P. Ord. X of 1956) and in force immediately before the commencement of this Act shall, until such time as the Provincial Government or an officer authorised by the provincial Government issues orders under this Act, continue in force and be deemed to be orders made under corresponding provision of this Act; and all appointments, licences or permits granted and directions issued under any such order and in force immediately before such commencement shall likewise continue in force and be deemed to be made, granted or issued in pursuance of this Act as if this Act had come into force on the date of commencement of the said Ordinance

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ORDER

By the Government of East Bengal, Food and Agriculture Department, Food Branch

No. 2090 .F.D.-9th March 1956.-In exercise of the power under subsection (I) of section 3 of the Essential Supplies (Continuance of Temporary Powers) Ordinance, 1955. (Ordinance No. X of 1955), read with the notification of the Government of Pakistan in the Ministry of Food, Agriculture and Health No.PY-16/47, dated the 3rd February 1948 and in supersession of the Bengal Essential Foodstuffs Anti-Hoarding Order, 1944, issued under notification No. 1728-D.C.S. dated the 4th March 1944, as subsequently amended, the Governor is pleased to make, with the concurrence of the Government of Pakistan the following Order, namely:-

1. (I) This order may be called the East Bengal Essential Foodstuffs Anti-Hoarding Order, 1956.

(2) It extends to the whole of East Bengal.

(3) It shall come into force in such areas and on such dates as the provincial Government may, by notification in the Official Gazette, direct.

2. In this order, unless there is anything repugnant in the subject or context-

(1) " Essential foodstuffs" means any foodstuffs specified in Schedule, I to this order.

(2) " normal quantity" of any essential foodstuff means the quantity specified in respect

4. No person shall have in his possession or under his control, except under and in accordance with the conditions of a licence granted in this behalf by an officer authorised for this purpose by the Provincial Government more than the normal Quantity of any essential foodstuff.

Explanation _ In the case of a person who is a householder, the normal quantity shall be deemed to be the aggregate of the normal quantities specified for each member of his household including any servants living in and forming part of the household.

5. (1) A permit under paragraph 3 of a licence under paragraph 4 shall be issued in such form as the Provincial Government may, by notification in the Official Gazette, prescribe.

(2)The Provincial Government may, by notification, in the Official Gazette, specify-

(a) The Scale of fees leviable in respect of any such permit or licence, and

(b) The Manner , in which such fees shall be payable.

1. THE ESSENTION COMMODITIES ACT, 957
2. Price Control and Anti-Hoarding Order, 1953