

THE ESSENTIAL COMMODITIES ACT, 1957
ACT NO III OF 1957
(6th March, 1957)

An Act to provide for price and control and regulation of trade and commerce between the provinces.

WHEREAS it is expedient to provide for price control and regulation of trade and commerce between the provinces² (and between different areas in a province) in respect of certain commodities;

It is hereby enacted as follows:-

1. Short title, extent and commencement. –³(1) This Act may be called the essential Commodities Act, 1957.)

(2) It extend to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions- In this Act. Unless there is anything repugnant in the subject or context-

4 (a) “ appropriate Government” means in relation to trade and commerce between the provinces⁵ (and the regulation of production of an essential commodity) the Central Government and in relation to other matters the provincial Government;

(a) essential commodity” means any of the classes of commodities mentioned in the schedule to this Act. And such other classes of commodities as may be declared by the⁶ (appropriate Government) by notification in the official gazette to be essential commodities for the purposes of this Act;

(b) “ notified order” means an order notified in the official Gazette.⁷

3. Power to make orders etc.- (1) The⁹ (appropriate Government). So far as it appears to it to be necessary or expedient for securing the equitable distribution of an essential commodity between the provinces¹⁰ (or between different areas in a Province)¹¹ and availability at fair price¹² (or for promoting export there of) . may by notified order¹³ provide for regulating the¹⁴(production the) movement, transport and sale of the essential commodity between the provinces¹⁵ (or between different areas in a province)¹⁶ and for the prices 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 provide-

¹⁷ (a) for controlling the prices at which any essential commodity may be bought or sold in any area;

¹³. (aa) for procuring any essential commodity for purposes of export;

(aaa) for regulating, restricting or prohibiting the sale, disposal transport and movement of any essential commodity within a province or in different areas in a province , for purposes of such procurement;)

¹⁹ (aaa) for regulating the production, treatment and keeping of any essential commodity;)

(b) for regulating by licenses, per..... Or otherwise, the transport movement and distribution between the provinces ²⁰ (or between different areas in a provinces) ²¹ * * of an essential commodity;

(c) for prohibiting the withholding of sale between the provinces ²⁰ (or between different areas in a province) ²¹ * * * of an essential commodity ordinarily kept for sale;

(d) for requiring any person holding stock ²² * * in a province of an essential commodity to sell in another province ²³ (or in another area of the seine province) ²⁴ * * the whole or specified part of the stock at such price to such persons or class or persons under such circumstances as may be specified in the order.

(e) for collecting any information or statistics with a view to regulating or prohibiting any of the aforesaid matters.

(f) for requiring persons engaged in any of the matters mentioned above 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 there to as may be specified in the order.

(g) for any incidental and supplementary matters, including in particular the entering, and search of premises, vehicles vessels and aircraft, the seizure by a person authorized to make such scorch of any aircraft, 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 licensees permits or other documents and the charging of fees therefore.

4. Delegation of powers- The Central Government ²⁵ (which it is the appropriate Government) may be notified order ²⁶ direct that the power to make orders under section 3 shall in relation to such matters and subject to such condition if any as may be specified in the detection be exercisable also by

such officer or authority sub ordinate to the Central Government

or

(b) such provincial Government or such officer or authority subordinate to a provincial Government as may be specified in the direction.

²⁷ (4. Delegation of power by provincial Government – The Provincial Government may delegate any of its powers under section 3 to any of its officers by an order notified in the official Gazette subject to such conditions as may be specified in the order.)

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 or any instrument having effect by virtue of 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 for felled to be 29 (appropriate Government);

Provided that where the contravention is of an order relating to foodstuffs which contains an express provision in this behalf, the court shall make such direction unless for reasons to be recorder 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.

(2) The owner of any vessel conveyance or animal carrying any property is respect of which an order under section 3 is contravened shall if the carryings is part of the transaction involving the contravention and if he knew or had reason to believe that the cotravction 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 for failure of the property in respect of which the order is contravened be forfeiled to the 29 (appropriate).