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THE SINDH ESSENTIAL COMMODITIES PRICE CONTROL AND PREVENTION OF PROFITEERING AND HOARDING (AMENDMENT) ACT, 2023

SINDH ACT NO. XXXVII OF 2023

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ACT, 2023**

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[04TH SEPTEMBER, 2023.]

AN ACT to amend the Sindh Essential Commodities Price Control and Prevention of Profiteering and Hoarding Act, 2005.

WHEREAS it is expedient to amend the Sindh Essential Commodities Price Control and Prevention of Profiteering and Hoarding Act, 2005, in the manner hereinafter appearing. **Preamble.**

It is hereby enacted as follows:-

1. (1) This Act may be called the Sindh Essential Commodities Price Control and Prevention of Profiteering and Hoarding (Amendment) Act, 2023. **Short title and commencement.**

(2) it shall come into force at once.

2. In the Sindh Essential Commodities Price Control and Prevention of Profiteering and Hoarding Act, 2005, hereinafter referred to as the said Act, in section 2 – **Amendment of section 2 of Sindh Act No. IX of 2006.**

- (i) after clause (a), the following new clause shall be inserted:-

“(a-i) “authorized officer” means any officer authorized by Government under clauses (a) and (e) for carrying out the purpose of this Act;”;

- (ii) after clause (d), the following new clause shall be inserted:-

“(d-i) “hoard” or “hoarding” means stocking or storing anything in excess of the maximum quantity of articles allowed to be held in stock or storage, in the manner as may be prescribed and/or where no maximum quantity of an article is prescribed, it shall mean the stocking or accumulation of articles without offering such articles for sale, despite there being a demand by consumers;”.

- (iii) for clause (e), the following shall be substituted:-

“(e) “Inspector” means an officer authorized by Government to exercise the powers of Inspector under this Act within such local limits as may be specified in the notification;”.

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3. In the said Act, in section 5, for the words “Deputy District Officer (Revenue)” and “District Officer (Revenue)”, the words “authorized officer” shall respectively be substituted. **Amendment of section 5 of Sindh Act No. IX of 2006.**
4. In the said Act, after section 5, the following shall be inserted:- **Insertion of sections 5A, 5B, 5C, 5D, 5E, 5F and 5G in Sindh Act No. IX of 2006.**

“5A. Power to check price, search for, seizure of article and sealing the business place or premises.-(1) When any authorized officer has reasonable grounds to suspect, either upon receiving credible information or in his opinion that there has been a contravention of any of the provisions of this Act, he may, after recording in writing the grounds of his suspicion, enter and search, without any warrant, any place where a dealer keeps or is for the time being keeping any article, accounts, registers or any other related items or things.

(2) Upon entering into and searching a place under sub-section (1), if articles found at such place in contravention of any of the provisions of this Act, the authorized officer may impose fine under section 13 and/or seize the articles and prepare a detailed report of the articles and other relevant material found during the search.

(3) The accused person whose articles have been seized under sub-section (2), may file an appeal before the Special Magistrate appointed under section 14-A of the Code of Criminal Procedure, 1898 (Act No. V of 1898), hereinafter referred to as the Code.

(4) The authorized officer, in addition to the seizure of articles under sub-rule (3), may, if he deems appropriate and by recording the reasons in writing, seal such a place, shop or store for a period not exceeding thirty days.

(5) The dealer may file an application to the Director General, Bureau of Supply and Prices, Government of Sindh for de-sealing of such a place, shop or store sealed under sub-section (4), which may, upon reasonable assurance and correction of the offence by the dealer, pass such orders for de-sealing of such a place, shop or store, as the case may be:

Provided that in case of the subsequent offence, the offender shall be punished in accordance with section 8.

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5B. Power to auction seized articles. (1) Notwithstanding anything contained in any other law, for the time being in force, and in addition to the prosecution under this Act, the articles seized under section 5A may be sold by an authorized officer through public auction on the spot at the notified price or according to the average market rate prevailing in the locality.

(2) The auction proceeds so collected under sub-section (1), shall be deposited in a profit bearing bank account in any Schedule Bank empowered to receive Government dues if –

- (a) the accused person whose articles are auctioned is acquitted of an offence under section 3 and section 7, the deposited amount shall be released to the said accused person; or
- (b) the accused person whose articles are auctioned is convicted of an offence under section 3 and section 7, the deposited amount shall be forfeited to Government.

5C. Cognizance of offence and arrest without warrant. (1) Notwithstanding anything contained in the Code, all offences punishable under this Act shall be cognizable and non-bailable.

(2) The Special Magistrate under section 5D shall take cognizance of an offence under this Act, upon written information by the authorized officer under this Act.

(3) An authorized under this Act may arrest any person without warrant against whom there is credible information that he has committed an offence under this Act.

5D. Power to try offences summarily.- (1) Notwithstanding anything contained in section 260 of the Code, offences punishable under this Act shall be tried by a Special Magistrate appointed under section 14-A of the Code, in a summary manner as provided in sections 262 to 265 of the Code:

Provided that sub-section (2) of section 262 of the Code shall not apply to the trials of offences under sub-section (1).

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(2) The trial under this Act shall be concluded within thirty days.

5E. Appeal.- (1) Any person aggrieved by an order of conviction and sentence under this Act may file an appeal before a District and Sessions Judge of the concerned District within thirty days of the said order.

(2) An appeal under sub-section (1) shall be disposed of within thirty days;

5F. Reward for informers.- (1) Any person who provides an information to an authorized officer with regard to any act of hoarding, price hike and any violation under this Act, which results in conviction and deposit of fine amount into Government treasury, shall be entitled to an award equivalent to ten percent of the amount of fine so recovered to Government exchequer in such manner as may be prescribed.

(2) The claim for reward by such person shall be rejected, if –

- (a) he is public office holder, an employee of Federal, Provincial, Local Government or any autonomous organization under Federal or Provincial Government or spouse, parents, siblings and children of aforementioned persons; and
- (b) any authorized person already had such information.

5G. Information and declarations.- (1) Every dealer shall provide to the authorized officer, such information regarding production, import, export, purchase, stock, sale or distribution of any of the articles as the inspector or the officer may, be an order in writing, require.

(2) The authorized officer may direct the owner or manufacturer of articles or owner and management of godowns or storage place, shop keepers or their agents to declare stocks of any particular item, owned or managed by them at their premises, at any point in time or at such periodical intervals as he may deem fit.

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(3) The declaration to be made under sub-section (2), shall include the quantity of stock, its value, date of purchase, copies of procurement invoices in any given time frame, 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 sub-section (4) or upon receipt of any information from whatever source, the authorized officer may require the dealer, shop keeper, owner or manager of a godown or storage place to furnish the details of persons, shops, firms or companies, etc. from whom the purchases have been made and to whom the sales have been or are to be made.”.

5. In the said Act, in section 8, in sub-section (1) –

**Amendment of
section 8 of Sindh
Act No. IX of 2006.**

 - (a) for the words “thirty thousand rupees”, the words “one lac rupees” shall be substituted; and
 - (b) in the proviso, after the words “three days”, the words “with a fine which may extend to one million rupees but not less than five lac rupees” shall be added.
6. In the said Act, after section 12, the following shall be inserted:-

**Insertion of section
12-A in Sindh Act
No. IX of 2006.**

“12A. 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 Act 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 Act, a Court shall, within the meaning of Qanun-e-Shahadat, 1984 (President’s Order No. 10 of 1984), presume that such order was so made by that authority.”.
7. In the said Act, in section 13 –

**Amendment of
section 13 of Sindh
Act No. IX of 2006.**

 - (a) in sub-section (1), after the words “specified in the ticket”, the words “by the inspector on spot” shall be added;

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- (b) in sub-section (3), for the words “in the assigned Post Office”, the words “to the authorized officers on spot” shall be substituted.

8. In the said Act, in the First Schedule, after entry No.21, the following new entries shall be added:-

**Amendment of
First Schedule of
Sindh Act No. IX
of 2006.**

- “22. Salt
- 23. Drugs and Medicines
- 24. Kerosene Oil
- 25. Matches
- 26. Coal, Charcoal, Firewood
- 27. Chemical Fertilizers all sorts
- 28. Poultry Feed
- 29. Cement
- 30. Phutti (seed cotton)
- 31. Cotton (Lint)
- 32. Cotton Seed all sorts and other seeds of all sorts
- 33. Wool, shoddy or raw
- 34. Caustic Soda
- 35. Soda Ash
- 36. Paddy
- 37. Pesticides
- 38. Meat on Hoof
- 39. Surgical Gloves
- 40. Face Masks
- 41. N95 Masks
- 42. Sanitizers
- 43. Surface Cleaning Products
- 44. Isopropyl Alcohol
- 45. Ice
- 46. Bricks
- 47. Wheat
- 48. Ordinary Sand
- 49. Oxygen Gas and Cylinder
- 50. Maida /or any other product of Atta
- 51. Crush Bajri
- 52. Mineral Water and Filtered water
- 53. Dates

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- 54. Roti, Naan, Chapati
- 55. Oil Seeds
- 56. Fodder of all sorts
- 57. Basin and its products
- 58. Rice Flour
- 59. Chicks.”

9. In the said Act, for the Second Schedule, the following shall be substituted:-

**Substitution of
Second Schedule
of Sindh Act No.
IX of 2006.**

“SECOND SCHEDULE”

(See Section 13)

OFFENCES AND FINE ON SPOT BY ISSUING A TICKET

S.No.	Offence	Amount of Fine
1.	Failure to display price lists of essential commodities	(i) Upto Rs.100,000, for producer or dealer; (ii) Upto Rs. 20000, For retailers other than push cart vendors (iii) Upto Rs. 10,000, push cart vendors.
2.	Failure to declare stock of essential commodities	Upto Rs.100,000
3.	Sale of the essential commodities mentioned in the First Schedule at a higher price than the notified price	Upto Rs.100,000.

Note: The payment of amount of fine shall be determined by the authorized officer and varied on the conditions and size of the business being done by the offender.”.

10. The Sindh Essential Commodities Price Control and Prevention of Profiteering and Hoarding Ordinance, 2005. **Repeal.**