

PUNJAB HOARDING AND PROFITEERING ORDER, 1977

PUNJAB GOVERNMENT
FOOD AND SUPPLIES DEPARTMENT
(FOOD DISTRIBUTION BRANCH)

The 14th October, 1977

ORDER

No. G.S.R. 99/C.A. 10/55/S.3/77 – Whereas the State Government is of opinion that it is necessary so to do for securing the equitable distribution and availability of certain articles at fair prices;

Now, therefore, in exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (Act 10 of 1955) read with the Government of India, Ministry of Agriculture (Department of Food) Notification N. G.S.R. 316 (E), dated the 20th June, 1972 and Ministry of Industry and Civil Supplies (Department of Civil Supplies and Cooperation) Order No. S.O. 681 (E) and 682 (B) both dated 30th November, 1974 and with the prior concurrence of the Central Government, the Governor of Punjab is pleased to make the following order, namely:-

1. Short title, extent and commencement: - (1) This Order may be called the Punjab Hoarding and profiteering Prevention Order, 1977.

(2) It shall come into force at once.

(3) It extends to whole of the State of Punjab.

2. Definitions: - In this order, unless the context otherwise requires:-

(a) "Article" means an article specified in the schedule to this order and it shall be deemed to be in the possession of a person, when it is held on behalf of that person by an other person not withstanding that it is mortgaged to another person.

(b) "Dealer" means a person engaged in the business of sale or storage for sale of any article, whether such business is carried on in retail or in wholesale and includes the distributing agent or the selling agent of such person;

(c) "Producer" includes a manufacturer, but does not include a cultivator;

(d) "State Government" means the Government of the state of Punjab;

(e) "District Magistrate" means the district magistrate of the District and includes the Executive Magistrate, Ist class, a Sub-Divisional Magistrate, Deputy Director Field, Food and Supplies, District Food and Supplies Controller, Additional District Food and Supplies Controller, within the area of his respective jurisdiction;

(f) "Director" means the Director Food and Supplies, Punjab and includes the Joint Director, Deputy Director and Assistant Director, Food & Supplies, Punjab.

(g) "Inspector" means an Inspector appointed by the Director for carrying out the purpose of this Order.

3. (1) The State Government may, by notification in the Official Gazette in respect of any article:-

(a) The maximum quantity which may at any time possessed by a dealer or a producer;

(b) the maximum quantity which may at any one time be possessed by any consumer;

- (c) The maximum quantity which may in any one transaction be sold to my person by a dealer or producer;
 - (d) The maximum margin of profit that may be charged by dealer or a producer over his cost;
 - (2) The quantities and margins of profit fixed in respect of any article under sub- clause (1) may be different in different localities.
- 4.** No dealer of producer shall:-
- (a) Have in his possession at any one time a quantity of any article exceeding the maximum fixed by notification under sub- clause (1)(a) of clause 3;
 - (b) sell or offer for sale to any person in any one transaction a quantity of any article exceeding the maximum fixed by notification under sub-clause (1)(c) of clause 3;
 - (c) Charge more than the maximum margin of profit fixed under sub- clause (1)(d) of clause 3.
- 5.** No consumer shall have in his possession at any time a quantity of any article exceeding the maximum fixed by notification under sub-clause (1) (b) of clause 3.
- 6.** Any dealer or a producer or a consumer having in his possession quantity of any article exceeding that permitted by a notification issued under clause 3 shall forthwith report the fact to the District Magistrate and shall take such action as to the storage, distribution or disposal of the excess quantity as the District Magistrate, may direct.
- 7.** No dealer or producer shall, unless previously to do by the District Magistrate:
- (i) Without sufficient cause refuse to sell to any person any article within the limits as to quantity if any fixed by or under this Order; or
 - (ii) Require the producer of any article to purchase at the same time any other article as a condition for the purchase of that article.
- Explanation: - The possibility or expectation of obtaining a higher price for an article at a later date shall not be deemed to be a sufficient cause for the purpose of this clause.
- 8.** (1) The State Government may, by notification published in the Official Gazette, prohibit the sale of such article as may be specified in the notification, except on the production of a Distribution Card issued by the District Magistrate or any person authorized by him in writing such notification may provide for the maximum quantity of any article that may be sold to any consumer or group of consumers.
- (2) After a notification issued under sub- clause (1) no consumer shall secure Distribution Card for more than the actual number of members of his family to obtain or attempt to obtain in any manner whatsoever supplies of any article in excess of the maximum quantity to which is entitled the said notification.
- (3) No dealer shall:-
- (a) issue any article or a distribution card which does not entitle the holder thereof to draw the same;

- (b) make entries regarding drawl of articles by consumers on the distribution card without issuing the same to him.
 - (c) record in the distribution card a quantity in excess of that actually delivered to a consumer; or
 - (d) make fictitious entries of sale in the stock and sale register maintained by him;
 - (e) deliver any article short in weight.
- 9.** The District Magistrate or any person authorized by the State Government in writing in this behalf may, with a view to securing compliance with the provisions of this order or of any notification issued there under or to satisfying himself that no such provision has been contravened:-
- (a) require by an order in writing any dealer or producer to furnish within such period and to such intervals as may be specified in such order, such information returns or reports in such forms as may be required ; and
 - (b) prescribe the manner in which accounts of stocks, sales, purchase or other transactions of articles should be kept.
- 10.** (1) The Director, the Magistrate or the Inspector may:-
- (a) respect of cause to be inspected any books or other documents belonging to or under the control of a producer or a dealer;
 - (b) enter or search or authorize any officer of officer not below the rank of Inspector, Food and Supplies and not below the rank of Inspector of Police to enter or search the premises of a producer a dealer or a consumer; and
 - (c) seize or authorize any officer not below the rank of Inspector, Food and Supplies and not below the rank of Inspector of police to seize any article or vehicle in respect of which he has been reason to believe that a contravention of this Order or any of any notification issued there under has been, is being, or is about to be made.
- (2) The provisions of the code of Criminal Procedure, 1973 (Act of 1974) relating to search and seizure shall, so far as may be, apply to searches and seizure under this clause :
- Provided that in exercising the powers of entry and search under this clause, due regard shall be paid by the authorized officer to the social and religious customs of the occupants of premises so entered and searched.
- 11.** The State Government may exempt any person or class of persons from the operation of all or any of the provisions of this Order and may at any time withdraw such exemption.
- 12.** The powers exercisable by the District Magistrate under this Order shall also be exercisable by the State Government and the Director.

SCHEDULE

[See Clause 2(a)]

1. Foodstuff, viz, wheat, maize, rice, gram, including their products.
2. Pulses
3. Condensed Milk
4. Mustard Oil
5. Bread
6. Salt
7. Baby food
8. Tea
9. Match box
10. Kerosene Oil
11. Razor Blades
12. Battery/ Transistor cells
13. Paper
14. Tyres and Tubes fo Cycle, Moto Cycle, Scooter, Trucks and Buses
15. Rickshaw Cycle, Tyres and Tubes
16. Woolen Hosiery
17. Woolen Textile
18. Knitting Wool
19. Electric Bulbs
20. Soft Coke
21. Hard Coke
22. Steam Coal
23. Stack Coal
24. Cement
25. Candles
26. Diesel Oil (HSD and HDO)
27. Toilet and Washing Soaps
28. Soda Ash
29. Petrol
30. Domestic Gas

A copy is forwarded for information to:-

1. All Magistrate/ Sub-Divisional Magistrate in the Punjab.
2. All District Food and Supplies Controllers in the Punjab (with 20 spare copies)
3. The Commissioner, Jalandhar, Ferozepur, Patiala Divisions
4. The Inspector- General of police, Punjab, Chandigarh.

5. All Superintendents of Police in the Punjab.
6. The Deputy Inspector General C.I.D, Punjab, Chandigarh.
7. The Secretary of Government of India, Ministry of Agriculture and Irrigation (Department of Food) New Delhi with the spare copies.
8. The Secretary of Government of India, Ministry of Industries development, New Delhi.
9. The Director of Public Relation, Punjab, Chandigarh.
10. The Deputy Directors (Field), Food Supplies, Patiala, Jalandhar and Ferozepur.
11. Director Food and Supplies, Haryana State, Sector-17, Chandigarh.
12. Managing Director, Punjab State Civil Supplies Corporation Ltd.
13. Managing Director, Punjab Markfed, Chandigarh.

Order
R.N.Singh
Superintendent Food Distribution,
For Secretary, Food and Supplies Department, Punjab.

GOVERNMENT OF PUNJAB
DEPARTMENT OF FOOD AND SUPPLIES

The 8th November, 1978

ORDER

No. G.S.R. 120/ C.A 10/55/S3/Amd(1)/78 – In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (Act 10 of 1955) read with the Government of India, Ministry of Agriculture (Department of Food) Notification No. GSR- 316(B), dated the 20th June, 1972 and GSR- 168(E), date 13th March, 1973 and all other powers enabling him in this behalf, and with the prior concurrence of the Central Government, the Governor of Punjab is pleased to make the following order further to amend the Punjab Hoarding Profiteering Prevention Order, 1977, namely:-

1. (1) This Order may be called the Punjab Hoarding and Profiteering Prevention (First Amendment) Order, 1978.

(2) It shall come into force at once.

2. In clause 8 of Punjab Hoarding Profiteering Prevention Order, 1977 (hereinafter referred to as the said Order) after sub-clause(8) the following sub-clause shall be inserted namely:-

(4) (a) The physical Stocks balances of various a various articles in a fair price shop authorized and approved by the Government of by any other Officer authorized by it not below the rank of District Food and Supplies Controller, shall conform to the book balances as per account balances as per account books maintained by the dealers.

(b) All Purchases, sales and production made will be correctly accounted for in the account books maintained and shall conform to the actual transactions made.

3. In the said order in the Schedule after item 30, the following items shall be added, namely:-

“31. Sugar

32. Gur/ Shakar.

33. Khandsari.

34. Edible Oils including Hydrogenated Vegetable Oils.

35. Edible Oil- Seeds”

1. All Magistrate/ Sub-Divisional Magistrate in the Punjab.

2. All District Food and Supplies Controllers in the Punjab

3. The Commissioner, Jalandhar, Ferozepur, Patiala Divisions

4. The Inspector- General of police, Punjab, Chandigarh.

5. All Superintendents of Police in the Punjab.

6. The Deputy Inspector General C.I.D, Punjab, Chandigarh.

7. The Secretary of Government of India, Ministry of Agriculture and Irrigation (Department of Food) New Delhi with the spare copies.

8. The Secretary of Government of India, Ministry of Industries development, New Delhi.

9. The Director of Public Relation, Punjab, Chandigarh.
10. The Deputy Directors (Field), Food Supplies, Patiala, Jalandhar and Ferozepur.
11. Director Food and Supplies, Haryana State, Sector-17, Chandigarh.
12. Managing Director, Punjab State Civil Supplies Corporation Ltd.
13. Managing Director, Punjab Markfed, Chandigarh.

Order
R.N.Singh
Superintendent Food Distribution,
For Secretary, Food and Supplies Department, Punjab.