

THE PUNJAB PREVENTION OF HOARDING ACT 2020

(Act XV of 2020)

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[1]

THE PUNJAB PREVENTION OF HOARDING ACT 2020

ACT XV OF 2020

[11th August 2020]

An Act to provide for the prevention of hoarding in respect of certain articles.

It is expedient to provide for the prevention of hoarding in respect of scheduled articles in an emergent situation resulting from the outbreak of the Corona virus pandemic (COVID-19) and for matters connected therewith and ancillary thereto.

Events of hoarding contribute to adversities, in geometric progression, to the people at large, especially in circumstances of partial or complete lock-down.

Be it enacted by Provincial Assembly of the Punjab as follows:

1. Short title, extent and commencement.— (1) This Act may be cited as the Punjab Prevention of Hoarding Act 2020.

(2) It extends to whole of the Punjab.

(3) It shall come into force at once.

2. Definitions.— In this Act:

- (a) “article” means any of the articles specified in the Schedule to this Act;
- (b) “Code” means the Code of Criminal Procedure, 1898 (V of 1898);
- (c) “dealer” means any person, trader, partnership firm, whether registered or unregistered, an association or body of persons or individuals, or a company, or their agents carrying on the business of purchasing, selling or stocking of any article and includes a manufacturer, producer, packager, importer, exporter, wholesaler or retailer of such article;
- (d) “Government” means Government of the Punjab;
- (e) “hoard” or “hoarding”:
 - (i) 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; or
 - (ii) where no maximum quantity of an article is prescribed under sub-clause (i), “hoard” or “hoarding” shall mean stocking or accumulation of articles without offering such articles for sale, despite there being a demand by consumers;
- (f) “officer” means a Deputy Commissioner as defined under the Punjab Civil Administration Act 2017 (III of 2017) or such other officer as may be authorized by a Deputy Commissioner in this behalf; and
- (g) “prescribed” means prescribed by rules made under this Act.

3. Offence of hoarding.— (1) Any dealer who is found to hoard any article shall be guilty of an offence punishable with simple imprisonment up to three years and fine equivalent to fifty percent of the value of the articles involved in the case.

(2) The value of articles for the purposes of subsection (1) shall be determined in the manner as may be prescribed.

4. Power to search for and seizure of article.— (1) When an officer has reasonable grounds to suspect, either upon information from anyone or on his own, 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 entry in and search of a premises under subsection (1), if articles are found at such premises in contravention of any of the provisions of this Act, the officer shall immediately seize the same and prepare a detailed report of the articles and other relevant material found during the search.

(3) The provisions of the Code shall not be applicable on search and seizure under this Act.

5. 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 officer may sell the articles seized under section 4, by auction in the manner as may be prescribed.

(2) The proceeds collected under subsection (1) shall be deposited in a profit bearing bank account in the National Bank of Pakistan, and if:

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

6. 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 8 shall take cognizance of an offence under this Act, upon written information by the officer.

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

7. Offences by corporations etc.– If an offence under this Act is committed by a company or body corporate or a partnership firm or other association or body of persons or individuals, every director, partner, manager, secretary, member or other officer, the principal, primary or beneficial owner or agents 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 and shall be liable to punishment under this Act.

8. 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 14A of the Code in a summary manner as provided in sections 262 to 265 of the Code:

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

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

9. Appeal.– (1) A 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 subsection (1) shall be disposed of within thirty days.

10. Reward for informers.– Any person who provides an information to an officer with regard to any act of hoarding, which results in a conviction and release of funds into the Government exchequer, shall be entitled to an award equivalent to ten percent of the amount released to the Government exchequer in such manner as may be prescribed.

11. Information and declarations.– (1) Every dealer shall provide to the concerned officer, such information regarding production, import, export, purchase, stock, sale or distribution of any of the articles as the officer may, by an order in writing, require.

(2) The officer may direct the owner or manufacturer of articles or owner and management of godowns or storage places 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.

(3) The declaration to be made under subsection (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 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 subsection (4) or upon receipt of any information from whatever source, the officer may require the dealer, 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.

12. Offences in respect of false reporting and failure to disclose information.– Any dealer or owner of a godown or a storage place or their management or agent, who fails to provide information or gives fake or false information with regard to any of the items or details under section 11, or provides information of contracts, agreements or arrangements found to be fake or false, or is otherwise found to be involved in speculative dealings or market manipulation, creating artificial, false or misleading

appearance with respect to the price of, or market for, the articles, shall be guilty of an offence punishable with simple imprisonment up to three years and fine up to rupees one million.

13. Protection of action taken under the Act.– (1) No suit, prosecution or other legal proceedings shall lie against any person for anything done in good faith under this Act.

(2) Except as provided in this Act, no suit or other legal proceedings shall lie to challenge any proceedings under this Act on any ground.

14. Action in aid of an officer.– In giving effect to the provisions of this Act, an officer, where he deems fit, may seek the aid of law enforcement agencies.

15. Power to make rules.– The Government may, by notification in the official Gazette, make rules to carry out the purpose of this Act.

16. Act to override other laws.– The provisions of this Act shall have effect notwithstanding anything contained in any other law for the time being in force.

17. Power to amend Schedule.– The Government may, by notification in official Gazette, amend the Schedule so as to add or omit from it any entry.

18. Repeal. The Punjab Prevention of Hoarding Ordinance 2020 (VI of 2020) is hereby repealed.

SCHEDULE
(See section 2)

1.	Tea
2.	White sugar
3.	Milk
4.	Powdered Milk
5.	Milk food for infants
6.	Edible Oils, hydrogenated or otherwise
7.	Aerated water, fruit juices and squashes
8.	Salt
9.	Potatoes
10.	Onion
11.	Pulses all sorts
12.	Fish all sorts
13.	Beef
14.	Mutton
15.	Eggs
16.	Gur
17.	Spices and vegetable
18.	Red Chilies
19.	Drugs and Medicines
20.	Kerosene Oil
21.	Matches
22.	Coal
23.	Chemical Fertilizers all sorts

24.	Poultry Food
25.	Cement
26.	Phutti (seed cotton)
27.	Cotton (Lint)
28.	Cotton Seed all sorts
29.	Wool, shoddy or raw
30.	Caustic Soda
31.	Soda Ash
32.	Paddy
33.	Pesticides.
34.	Meat on Hoof
35.	Wheat Flour all sorts
36.	Surgical Gloves
37.	Face Masks
38.	N95 Masks
39.	Sanitizers
40.	Surface Cleaning Products
41.	Isopropyl Alcohol

[1] This Act was passed by the Punjab Assembly on 15 July 2020; assented to by the Governor of the Punjab on 28 July 2020; and was published in the Punjab Gazette (Extraordinary), dated 11 August 2020; pages 561-564.