

THE WEST PAKISTAN FOOD STUFFS (CONTROL),
ACT, 1958.

WEST PAKISTAN ACT NO. XX OF 1958.

(AS AMENDED UPTO 22ND DECEMBER, 1971).

(First published after having received the assent of the Governor of West Pakistan in the Gazette of West Pakistan on the 23rd April, 1958).

An Act to provide for the continuance of powers to control the supply and distribution of, and trade and commerce in Foodstuffs.

WHEREAS, it is expedient in the public interest to provide for the continuance of powers to control the supply, distribution and movement of, and trade and commerce in foodstuffs, in West Pakistan;

It is hereby enacted as follows:—

(1) This Act may be called the West Pakistan Foodstuffs (Control) Act, 1958.

(2) It extends to the whole of [N.-W. F. P]. except the Special Areas.

(3) It shall come into force at once.

In this Act, unless there is anything repugnant in the subject or context.—

(a) "foodstuff" means any of the following classes of commodities:—

(i) Wheat, wheat *atta*, *maida*, *rawa* and *suji*;

(ii) rice and paddy;

(iii) sugar, and

(iv) such other commodity or class of commodities as may be declared and notified by the Government to be foodstuffs for the purposes of this Act.

(b) "Government" means the Government of [N.-W. F. P]., and

(c) "notified order" means an order notified in the Official Gazette.

3. (1) The Government so far as it appears to it to be necessary or expedient for maintaining supplies of any foodstuffs or for securing its equitable distribution and availability at fair prices, may by notified order, provide for regulation or prohibiting the 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 powers conferred by sub-section (1) an order made thereunder may provide—

(a) for regulating by licences, permits or otherwise the manufacture of any article of food from any foodstuff;

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

(c) for regulating by licences, permits or otherwise, the storage, transport, distribution, disposal, acquisition use or consumption of any foodstuff;

(d) for prohibiting the withholding from sale of any foodstuff ordinarily kept for sale;

(e) for requiring any person holding stock of any foodstuff to sell the whole or specified part of the stock to such persons or class of persons or in such circumstances as may be specified in the order;

(f) for regulating or prohibiting any class of commercial or financial transactions relating to any foodstuff which, in the opinion of the authority making the order is, or is likely to be detrimental to public interest;

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- (g) for collecting any information or statistics with a view to regulating or prohibiting any of the aforesaid matter;
- (h) for requiring persons engaged in the supply or distribution of or trade or commerce, in any foodstuff to maintain and produce for inspection such books, accounts and records relating to their business and to furnish such information relating thereto as may be specified in the order; and
- (i) for any incidental and supplementary matters including, in particular, the entering and search of premises, vehicles, vessels or aircraft the seizure by a person authorised to make such search of any article in respect of which such persons 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 licences, permits or other documents and the charging of fees therefor.

Delegation of powers.

4. The Government may, by notified order, direct that the power to make orders under section 3 shall, in relation to such matters and subject to such conditions, if any, as may be specified in the direction, be exercisable also by an officer or authority subordinate to the Government.

Effect of orders inconsistent with other enactments.

5. 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.

Penalties.

6. (1) If any person contravenes any order made under section 3, he shall be punished 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 shall direct that any property in respect of which the Court is satisfied that the order has been contravened shall be forfeited to the Government, unless for reasons to be recorded in writing, it is of the 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 in respect of which an order under section 3 is contravened shall, if the carrying is part of the transaction, involving the contravention and if he knew or had reasons to believe that the contravention 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 forfeiture of the property in respect of which the order is contravened, be forfeited to the Government.

(3) If any person to whom a direction is given under sub-section (2) of section 3, fails to comply with the direction, he shall be punished with imprisonment for a term which may extend to three years or with fine or with both.

Disposal of property forfeited to Government.

[i] "6-A. Government may, from time to time, by Notification in the Official Gazette, make rules consistent with this Act to regulate.—

(a) the disposal of property forfeited to Government under this Act or the orders made under section 31, and

(b) the reward to be paid to officers out of such confiscations".

Attempt and Abetments.

7. Any person who attempts to contravene, or abets the contravention of any order made under Section 3, shall be deemed to have contravened that order.

Offences by Corporations.

8. If the person contravening an order made under section 3 is a company or other body corporate, every director, manager, secretary or other officer or agent 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.

False statements

9. If any person—

(i) when required by an order made under section 3 to make any statement or furnish any information, makes any statement or furnishes any information which is false in any material particular and which he knows or has reasonable cause to believe to be false, or does not believe to be true, or

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

Cognizance of offences

10. No Court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by a person who is a public servant as

11. (1) No order made in exercise of any power conferred by or under this Act shall be called in question in any court. Presumption as to order.

(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 presume within the meaning of the Evidence Act, 1872, that such order was so made by that authority (I of 1872).

“11-A.[2] *Bar of jurisdiction.*—No suit or other proceedings shall lie in any Civil Court in respect of any matter which the Provincial Government or any Officer or authority is empowered by or under this Act, or the orders made thereunder to determine, and no injunction or process or order shall be granted by such Court in respect of any action taken or to be taken in exercise of any power conferred by or under this Act or the orders made thereunder”.

12. Where any person is prosecuted for contravening any order made under section 3 which prohibits him from doing an act or being in possession of a thing without lawful authority or without a permit, licence or other document, the burden of proving that he has such authority, permit, licence or other document, shall be on him. Burdens of proof in certain cases.

13. (1) No suit, prosecution or other legal proceedings 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. Protection of action taken under the Act.

(2) No suit or other legal proceedings shall lie against the Government 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.

14. The following enactments are hereby repealed, namely:—

Repeal.

(1) The Bahawalpur Foodgrains Control Act, 1947.

(2) The Bahawalpur Control of Essential Supplies Commodities Act, 1948, Bahawalpur Act III of 1948.

(3) The West Pakistan Foodstuff (Control) Ordinance, 1957 West Pakistan Ordinance XI of 1957.

[1] Section 6-A added *vide* N.-W. F. P. Ordinance No. IX of 1971 issued on 22nd December, 1978.

[2] Section 11-A added *vide* West Pakistan Foodstuffs (Control) (N.-W. F. P. Amendment) Act, 1977 (Act No. XIII of 1977).

LIST OF COMMODITIES AND CLASSES OF COMMODITIES DECLARED BY THE
GOVERNMENT UNDER CLAUSE (A) OF SECTION 2 OF THE WEST PAKISTAN FOOD-
STUFFS (CONTROL) ACT, 1958 (ACT NO. XX OF 1958) AS FOOD-STUFFS FOR THE
PURPOSES OF THE SAID ACT.

Serial No.	Name of Commodity	Notification No. and Date
1.	Wheat, wheat atta, maida, rawa and suji	Section 2 (a) of the Act.
2.	Rice and Paddy ..	Ditto.
3.	Sugar	Ditto.
4.	Sugar-cane ..	Notification No. 13 (18) SOF (Sugar)/61, dated 8th August, 1961.
5.	Gur ..	Ditto.
6.	Preparations of the commodities already declared as Food-stuffs under the West Pakistan Foodstuffs (Control) Act, 1958.	Notification No. SOF-1-1-61/64, dated 20th July, 1964.
7.	Fish ..	Ditto.
8.	Pulses and their preparations ..	Ditto.
9.	Gram and its preparations ..	Ditto.
10.	Deleted (1) ..	Ditto.
11.	Deleted (1) ..	Ditto.
12.	Meat (Mutton and Beef) ..	SOF-1-61/64, dated 3rd October, 1964.
13.	Bread (Double Roti and Tandoori Roti)	Ditto.
14.	Deleted (1) ..	Ditto.
15.	Vegetables ..	Ditto.
16.	Fowls and Eggs. ..	Ditto.
17.	Milk (Skimmed and whole) ..	Ditto.
18.	Butter and Cream ..	Ditto.
19.	Ghee (Pure Ghee and Vegetable Ghee) ..	Ditto.
20.	Jawar ..	SOF-1 (Licensing) 34/66, dated 26th August, 1966.
21.	Bajra ..	Ditto.
22.	Rice Atta. ..	SOF-II (149)/62, dated 24th November, 1966.
23.	Maize ..	SOF-I (Licensing) 34/67, dated 18th February, 1967.
24.	Bran ..	SOF-I (1) Licensing (16)/67, dated 22nd May, 1967.
25.	Shakkar ..	SOF (1) Licensing-9 (41)/66, dated 20th June, 1968.
26.	Khand Sari ..	Ditto.
27.	Sugar beet. ..	SOF (Sugar) 6 (46)/69, dated 19th August, 1969.
28.	Tandori Roti ..	6963/FG-237/XIII, dated 22nd August, 1975.
29.	Brewed Tea ..	15465/FG/237-KW-IV, dated 20th November, 1977.
30.	Curd ..	Ditto.
31.	Ice ..	14972/FG/237-KW-IV-, dated 16th July, 1978.
32.	Aerated Water ..	No. 4049/FG8-237-K-W-KC, dated 12th July, 1979.
33.	Fruits Squashes ..	Ditto.
34.	Fruits ..	Ditto.
35.	Edible Oil ..	Ditto.

(1) Pan and Aerated water, fruit and fruit Squashes ceased to be foodstuffs *vide* Notification No. SOF-IV-X-67/44, dated 8th July, 1967.