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PART I

Acts, Ordinances, President's Orders and Regulations

GOVERNMENT OF THE GILGIT-BALTISTAN

LAW AND PROSECUTION DEPARTMENT

[THE GILGIT-BALTISTAN COVID-19 (PREVENTION OF HOARDING) ORDINANCE 2020]

(II OF 2020)

Gilgit, the 4th May, 2020

AN ORDINANCE

to provide for the prevention of hoarding in respect of scheduled articles, in the wake of an emergent situation resulting from the outbreak of the Corona virus pandemic (COVID- 19)

WHEREAS 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;

WHEREAS Pakistan is a State Party to the International Health Regulations, 2005, issued by the World Health Organization, according to which Pakistan is under a direct obligation to prevent, protect against, control and provide a public health response to international diseases;

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WHEREAS the World Health Organization has declared the Corona virus (COVID-19) to be a pandemic requiring multifaceted responses;

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

AND WHEREAS, the Gilgit-Baltistan Assembly is not in session and the Governor of the Gilgit-Baltistan is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in the exercise of powers conferred by clause (1) of Article 74 of the Government of Gilgit-Baltistan Order, 2018 the Governor is pleased to make and promulgate the following Ordinance:—

1. **Short title, extent and commencement**.—(1) This Ordinance shall be called Gilgit-Baltistan COVID-19 (Prevention of Hoarding) Ordinance, 2020.

(2) It extends to the Territory Gilgit-Baltistan.

(3) It shall come into force at once.

2. **Definitions.**—In this Ordinance, unless there is anything repugnant in the subject or context:—

(a) "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 scheduled article and includes a manufacturer, producer, packager, importer, exporter, wholesaler or retailer of such article;

(b) "Government" means the Government of Gilgit-Baltistan;

(c) "hoard" or "hoarding":

(i) means stocking or storing anything in excess of the maximum quantity of scheduled articles allowed to be held in stock or storage, in the manner as may be prescribed; or

(ii) where no maximum quantity of a scheduled article is prescribed under sub-clause (i), "hoard" or "hoarding" shall mean stocking or accumulation of scheduled

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articles without offering such articles for sale, despite there being a demand by consumers;

(d) "officer" means the Deputy Commissioner, Special Magistrates and Police Officers not below the rank of Inspector of the concerned district and such other officer as may be authorized by Deputy Commissioner in this behalf;

(e) "prescribed" means prescribed by rules made under this Ordinance;

(f) "scheduled article" means any of the articles specified in the schedule to this Ordinance;

3. **Offence of hoarding**.—(1) Any dealer who is found to hoard any scheduled article shall be guilty of an offence punishable with simple imprisonment up to three (3) years and fine equivalent to fifty (50) percent of the value of the scheduled articles involved in the case.

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

4. **Power to search for and seizure of scheduled article**.—(1) When an officer has reasonable grounds to suspect, either upon information from anyone or on its own, that there has been a contravention of any of the provisions of this Ordinance, it 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 scheduled article, accounts, registers or any other related items or things.

(2) Upon entry in and search of a premise under sub-section (1), if scheduled articles are found at such premise in contravention of this Ordinance, the officer shall immediately seize the same and prepare a detailed report of the scheduled articles and other relevant material found during the search.

(3) The provisions of the Code of Criminal Procedure, 1898 (Act V of 1898) shall not be applicable on search and seizure under this Ordinance.

5. **Power to auction seized scheduled articles**.—(1) Notwithstanding anything contained in any other law for the time being in force and in addition to the prosecution under this Ordinance, the officer may sell the scheduled articles seized under section 4 by auction, in the manner as may be prescribed.

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

(a) the accused person whose scheduled 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 scheduled articles are auctioned is convicted of an offence under section 3, the deposited amount along-with the profit shall be deposited into the GB Consolidated Fund Account.

6. **Cognizance of offence and arrest without warrant.—**(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (V of 1898), all offences punishable under this Ordinance shall be cognizable and non bail-able.

(2) The Special Magistrate under section 8 shall take cognizance of an offence under this Ordinance, 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 Ordinance.

7. **Offences by corporations etc**.– If an offence under this Ordinance is committed by a company or body corporate or a partnership or other association or body of persons or individuals, every director, 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 Ordinance.

8. **Power to try offences summarily**.—(1) Offences punishable under this Ordinance shall be tried by a Special Magistrate appointed under section 14A of the Code of Criminal Procedure, 1898 (Act V of 1898), in a summary manner as provided in sections 262 to 265 of the said Code:

Provided that sub-section (2) of section 262 of the Code of Criminal Procedure, 1898 (Act V of 1898) shall not apply.

(2) If a Special Magistrate has reason to suspect that any offence punishable under this Ordinance has been committed by any dealer or owner of a godown or a storage place or its management or agent thereof, he may enter the place or premises where the offence has been committed and try the offence on the spot.

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(3) The trial under this Ordinance shall be concluded within thirty (30) days.

9. **Appeal**.—(1) A person aggrieved by an order of conviction and sentence under this Ordinance may file an appeal before a Deputy Commissioner of the concerned District within thirty (30) days of the said order. However, where the punishment has been awarded by Deputy Commissioner then appeal shall lie to the Commissioner of concerned Division.

(2) An appeal under sub-section (1) shall be disposed of within thirty (30) days.

10. **Reward for informers**.—Anyone who provides an information to an officer with regard to any act or acts of hoarding, which results in a conviction and release of funds into the government exchequer, shall be entitled to an award equivalent to ten (10) percent of the amount released to the government exchequer, in the manner as may be prescribed.

11. **Information and declarations**.—(1) Every dealer shall provide to a officer, such information regarding production, importation, exportation, purchase, stock, sale or distribution of any of the scheduled articles as the officer may, by an order in writing, require.

(2) The officer may direct the owners or manufactures of scheduled articles or owners 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 may be deemed fit.

(3) The declaration to be made under sub-section (2), shall, *inter alia*, 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 scheduled 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 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

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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 scheduled articles, shall be guilty of an offence punishable with simple imprisonment up to three (3) years and fine equivalent to Rs.1,000,000.

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

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

14. **Action in aid of an officer**.—In giving effect to the provisions of this Ordinance, 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 Ordinance.

16. **Ordinance to override other laws**.—The provisions of this Ordinance 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 to, or omit from it, any commodity or class of commodities.

SCHEDULE
(see section 2)

1	Tea	11	Pulses all sorts
2	Sugar	12	Fish all sorts
3	Milk	13	Beef
4	Powdered Milk	14	Mutton
5	Milk and food for infants	15	Eggs
6	Edible oil, hydrogenated or otherwise	16	Gur
7	Aerated water, fruits juices and squashes	17	Spices & Vegetables
8	Salt	18	Red Chilli
9	Potatoes	19	Drugs and Medicines
10	Onions	20	Kerosene oil

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21	Rice	30	Pesticides
22	Wheat, Flour all sorts	31	Match Sticks
23	Chemical fertilizers all sorts	32	Isopropyl Alcohol
24	Poutry food	33	Fodder
25	Surgical gloves	34	LPO
26	Face masks	35	Petroleum Products
27	N95 masks		
28	Sanitizers		
29	Surface cleaning products		

RAJA JALAL HUSSAIN MAQPOON,
Governer Gilgit-Baltistan.

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