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THE SASTI ROTI AUTHORITY ACT 2010

(XIII of 2010)

CONTENTS

- 1. Short title, extent and commencement**
- 2. Definitions**
- 3. Establishment of the Authority**
- 4. Functions of the Authority**
- 5. Powers of the Authority**
- 6. Board of Management**
- 7. Chairman and Vice Chairman**
- 8. Director General**
- 9. Experts, etc**
- 10. Fund**
- 11. Budget and accounts**
- 12. Employees of the Authority**
- 13. Delegation of powers**
- 14. Penalties**
- 15. Attempts and abetments**
- 16. Offences by corporation**
- 17. False statements**
- 18. Trials by Tribunal**
- 19. Constitution of Tribunals**
- 20. Powers of Tribunals**
- 21. Appeal**
- 22. Transfer of cases**
- 23. Offences and procedure**

24. **Bar of jurisdiction and reference to arbitration**
25. **Presumption as to orders**
26. **Burden of proof in certain cases**
27. **Protection of action taken under the Act**
28. **Validation and savings**
29. **Officers and employees of the Authority to be public servants**
30. **Monitoring and Evaluation**
31. **Annual report**
32. **Act to have overriding effect**
33. **Power to make rules**
34. **Power to frame regulations**
35. **Transition**

TEXT

**¹THE SASTI ROTI AUTHORITY ACT 2010
(XIII of 2010)**

[2nd August, 2010]

**An
Act**

to provide for the establishment of the Sasti Roti Authority in the Punjab.

Preamble.— Whereas it is expedient to establish the Sasti Roti Authority in the Punjab for the provision and distribution of Sasti Roti to the deserving people of the Province and to provide for the connected matters;

It is enacted as follows:—

1. Short title, extent and commencement.— (1) This Act may be cited as the Sasti Roti Authority Act 2010.

(2) It extends to whole of the Punjab.

(3) It shall come into force at once.

2. Definitions.— In this Act—

(a) “Authority” means the Sasti Roti Authority established under the Act;

(b) “Board” means the Board of Management of the Sasti Roti Authority;

(c) “Chairman” means the Chairman of the Authority;

(d) “Code” means the Code of Criminal Procedure 1898 (V of 1898);

(e) “Director General” means the Director General of the Authority;

(f) “Government” means the Government of the Punjab;

(g) “Member” means a member of the Board and includes the Chairman;

(h) “Prescribed” means prescribed by the rules made under the Act;

(i) “Province” means the Province of the Punjab;

(j) “Sasti roti” means a tandoori roti sold at subsidized rate under the Act at a tandoor;

(k) “Subsidized flour” means the flour provided to an owner of a tandoor for manufacture and sale of Sasti roti;

(l) “tandoor” means a tandoor or plant established for making tandoori roti and declared as tandoor by the Authority; and

(m) “Tribunal” means a Tribunal constituted under the Act.

3. Establishment of the Authority.— (1) The Government may, by notification, establish an authority to be called the Sasti Roti Authority.

¹This Act was passed by the Punjab Assembly on 15 July 2010; assented to by the Governor of the Punjab on 30 July 2010; and, was published in the Punjab Gazette (Extraordinary), dated 2 August 2010, pages 431-438.

(2) The Authority shall be a body corporate, having perpetual succession and a common seal with power to acquire hold and dispose of property and may, by the said name, sue and be sued.

(3) The head office of the Authority shall be at Lahore.

4. Functions of the Authority.– (1) The Authority shall–

- (a) develop framework for institutional excellence, service delivery standards and mission statements for provision and fair distribution of Sasti roti;
- (b) formulate policy, objectives, implementation, and monitoring and evaluation procedure for the provision and distribution of Sasti roti;
- (c) develop a strategic action plan relating to sasti roti;
- (d) monitor, oversee and implement the sasti roti scheme throughout the Province;
- (e) issue the detailed specifications of sasti roti;
- (f) declare tandoors and regulate the provision of subsidy to a tandoor;
- (g) issue directions to owners of tandoors for provision and distribution of sasti roti to the deserving people of the Province;
- (h) fix the rate of sasti roti and it may fix different rate of sasti roti in different areas of the Province or at different tandoors on the basis of reasonable classification;
- (i) constitute committees and delegate all or any of its functions to a committee; and
- (j) perform any other function which is ancillary to the above functions or as may be prescribed.

(2) The Government may issue directions to the Authority for the purpose of efficient performance of the functions of the Authority.

(3) The Government may delegate any of its powers or functions, under any law for the time being in force, to the Authority.

5. Powers of the Authority.– (1) The Authority may, for maintaining supplies of sasti roti or for securing its equitable distribution and availability at fair prices, weight, quality, by order in writing, provide for regulating or prohibiting the keeping, storage, movement, transport, supply distribution, weight, quality, disposal, acquisition, use, consumption, trade of sasti roti or subsidized flour.

(2) The Authority may–

- (a) regulate by licences, permits or otherwise the manufacture of sasti roti;
- (b) control the price, weight, quality, at which sasti roti is bought or sold;
- (c) regulate by licences, permits or otherwise, the storage, transport, distribution, disposal, acquisition, use or consumption of sasti roti or subsidized flour;
- (d) prohibit the withholding from sale of any sasti roti ordinarily kept for sale;

- (e) require any person holding stock of sasti roti or subsidized flour to sell the whole or a specified part of the stock to such persons or class of persons or in such circumstances as may be specified in the order;
- (f) regulate or prohibit any class of commercial or financial transactions relating to sasti roti or subsidized flour which is or is likely to be detrimental to public interest;
- (g) collect any information or statistics with a view to regulate or prohibit any of the aforesaid matters;
- (h) require persons, engaged in the manufacture, supply or distribution of sasti roti or subsidized flour, 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;
- (i) authorize a person to enter and search any premises or vehicle and seize any article in respect of which such person has reason to believe that a contravention of any provision of this Act is being or is about to be committed or any record connected with it; and
- (j) charge fee for issuance of a licence, permit or other document under this Act.

(3) The Authority may exercise the powers as may be necessary for the performance of its functions.

6. Board of Management.— (1) The management of the Authority shall vest in the Board of Management and the Board may exercise powers and perform functions of the Authority by itself or through the officers of the Authority or the Government.

(2) The Board shall consist of the following:—

- | | |
|--|------------------|
| (a) Chief Minister; | Patron-in-Chief |
| (b) Chairman, Sasti Roti Authority; | Member |
| (c) Additional Chief Secretary; | Member |
| (d) Secretary to Government,
Food Department; | Member |
| (e) Secretary to Government,
Finance Department; | Member |
| (f) Secretary to Government,
Industries Department; | Member |
| (g) five persons including at least two females
to be nominated by the Government; | Members |
| (h) one member of the Provincial Assembly
of the Punjab from each division of the
Province to be nominated by the
Government; | Members |
| (i) Director General; | Member/Secretary |

(3) The Government shall nominate the Members of the Board in the category specified in clause (g) of sub-section (2) for a period of three years.

(4) The Chairman may, with the approval of the Patron-in-Chief, co-opt any other person as Member of the Board for a meeting or for a specified period.

(5) The Chairman shall determine the time, date and place of a meeting of the Board and the Secretary of the Board shall convene the meeting on the direction of the Chairman.

(6) Five Members shall constitute the quorum for a meeting of the Board.

(7) The Board shall take a decision by majority of votes of the Members present and voting and in the event of equality of votes, the Chairman shall have a casting vote.

(8) The Patron-in-Chief, Chairman or a Member nominated by the Chairman shall, in order of precedence, preside over a meeting of the Board.

(9) The Secretary of the Board shall, under the directions of the person presiding the meeting, record the minutes and keep the minutes in a book to be maintained for the purpose after obtaining signatures of the person who presided the meeting.

(10) The proceedings of a meeting of the Board shall not be invalid merely due to any vacancy or defect in the constitution of the Board.

7. Chairman and Vice Chairman.— (1) The Government shall appoint a person as Chairman of the Authority who shall also be the Chairman of the Board.

(2) The Government shall determine the terms and conditions of service of the Chairman including tenure of his office.

(3) The Chairman shall hold office during the pleasure of the Government.

(4) The Additional Chief Secretary to the Government shall be the Vice Chairman of the Authority.

(5) The Vice Chairman of the Authority shall, in the absence of the Chairman, exercise the powers and functions of the Chairman.

8. Director General.— (1) The Government shall appoint a Director General of the Authority who shall exercise such powers and perform such functions as may be conferred or assigned to him by the Board.

(2) The Director General shall—

(a) be a whole-time employee of the Authority;

(b) hold office for a term of three years from the day he enters upon his office;

(c) be an officer of the Government or a person from the private sector; and

(d) be the principal accounting officer of the Authority.

(3) The Government shall determine the terms and conditions of the service of the Director General.

(4) The Director General shall, notwithstanding the expiration of his term, continue to hold office for a further period of three months or till his successor enters upon his office, whichever is earlier.

(5) Nothing contained in this section shall preclude the Government from re-appointing the Director General to hold that office for such further period as may be specified but not exceeding three years at a time.

(6) The Director General may resign his office by tendering a resignation in writing to the Government with three months' prior notice or on payment of three months pay in lieu of the notice.

(7) The Government may remove the Director General without assigning any reason on one month notice or on payment of one month pay in lieu of the notice.

9. Experts, etc.— The Board may, with the approval of the Government, appoint or engage such technical experts as it considers necessary on such terms and conditions as may be prescribed.

10. Fund.— (1) There shall be a fund of the Authority to be known as Sasti Roti Fund.

(2) The fund shall consist of—

(a) grants made by the Government or other authorities or agencies;

(b) donations from national or international agencies;

(c) donations from philanthropists, non governmental organizations or any other person or association of persons; and

(d) income from any other source.

(3) The fund shall be maintained and invested in such manner as may be prescribed.

(4) The fund shall be utilized to meet the expenses of the Authority in connection with its functions under the Act.

(5) The Authority shall not obtain loan or incur debt.

11. Budget and accounts.— (1) The Authority shall, before the commencement of a financial year, prepare a statement of the estimated receipts and expenditure of the Authority for the financial year and forward the same to the Government for approval.

(2) The Authority shall maintain such accounts and in such manner as may be prescribed.

(3) The Government shall appoint a Chartered Accountant or a firm of Chartered Accountants for annual audit of accounts of the Authority.

(4) The Government may direct special audit of accounts of the Authority for a period not exceeding three years.

12. Employees of the Authority.— (1) The Authority may, subject to the approval of the Government, employ such officers and other employees as it considers necessary for the efficient performance of its functions under the Act.

(2) The Authority may provide for the grant of such allowances, leave, pension, gratuity, provident fund and other benefits and facilities as may be prescribed.

(3) The Authority may employ the services of the Government functionaries with the prior consent of the Government.

13. Delegation of powers.— (1) The Board may, by general or special order and subject to such conditions as may be specified in such order, delegate any of its powers or functions to the Chairman, Committee, Director General, an employee of the Authority or to an employee of the Government.

(2) All properties, funds and dues which are vested in or realizable by the Authority shall vest in and be realizable by the Director General.

(3) The Director General shall keep separate accounts of all moneys received and expended by him under the Act.

(4) The Director General may dispose of the properties, assets and rights of the Authority in such manner as the Government may direct.

(5) The Director General may delegate any of his powers under this section to an officer of the Authority to such extent and on such terms and conditions as may be prescribed.

14. Penalties.— (1) If any person contravenes any order made under this Act, he shall be punished with imprisonment for a term which may extend to three years, or with fine which may extend to fifty thousand rupees, or with both and, if the order so provides, the Tribunal shall direct that any property in respect of which the Tribunal 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 conveyance or animal carrying any property in respect of which an order under this Act is contravened, shall, if the property is part of the transaction involving the contravention and if he knew or had reason 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 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 this Act fails to comply with the direction, he shall be punished with imprisonment for a term which may extend to three years or with fine which may extend to fifty thousand rupees, or with both.

15. Attempts and abetments.— Any person who attempts to contravene, or abets the contravention of any order made under this Act shall be deemed to have contravened that order.

16. Offences by corporation.— If the person contravening an order made under this Act 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.

17. False statements.— If a person—

- (i) when required by an order made under this Act 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 which may extend to fifty thousand rupees or with both.

18. Trials by Tribunal.— An offence punishable under this Act shall be exclusively triable by the Tribunal.

19. Constitution of Tribunals.— (1) The Government may, by notification, constitute, for the whole or any part of the Province, one or more Tribunals consisting of a person who—

- (a) has, to his credit, at least five years practice as an Advocate; or
- (b) has, for a total period of not less than three years, exercised the powers of the First Class Magistrate under the Code; or
- (c) is and has for a period of not less than ten years been in the service of Pakistan and is a law graduate.

(2) The Government shall appoint a person as presiding officer of a Tribunal who is eligible under sub-section (1).

(3) A Tribunal shall sit at such place as the Government may, by notification, specify.

20. Powers of Tribunals.— A Tribunal may pass any sentence and exercise all or any of the powers which a Magistrate of the First Class empowered under section 30 of the Code may pass or exercise under the Code.

21. Appeal.— (1) A person, sentenced by a Tribunal, may appeal to the Court of Sessions having jurisdiction in the area, within thirty days of the passing of the sentence.

(2) Save as provided in sub-section (1), no court shall take cognizance or revise a sentence, or to transfer any case from a Tribunal, or to make order under sections 426, 491 or 498 of the Code, or have jurisdiction of any kind in respect of any proceeding of a Tribunal.

22. Transfer of cases.— All cases regarding any matter within the jurisdiction of a Tribunal pending trial in any Court immediately before the constitution of a Tribunal under this Act, shall stand transferred to the Tribunal which has jurisdiction to try such case.

23. Offences and procedure.— (1) An offence under this Act shall be cognizable and non-bailable.

(2) The procedure for the trial of offences under this Act shall be the same as is laid down in the Code for summary trials on the basis of a police report or complaint submitted by the Director General, an authorized officer of the Authority or an officer notified by the Government.

(3) Nothing in this section shall preclude a Tribunal to follow the procedure laid down in the Code for the trial of summons cases by the Magistrates.

24. Bar of jurisdiction and reference to arbitration.— (1) No order made in exercise of any power conferred by or under this Act shall be called in question in any Court.

(2) Save any order passed by a Tribunal under this Act, any person aggrieved by an order made in exercise of any power conferred by or under this Act, may by an application in writing, within thirty days of the passing of the order, refer the matter to the arbitration of a sole arbitrator appointed by the Government.

(3) The Government shall appoint one or more arbitrators for all cases or different arbitrators for different classes of cases under this Act.

(4) All suits, appeals or applications regarding matters to which this Act applies, pending in any Court, except an appeal against an order preferred to the Court of Sessions or Lahore High Court, shall abate.

(5) A reference to arbitration under sub-section (2) in respect of such orders as were subject-matter of a suit, appeal or application which abated under sub-section (4), may be made to an arbitrator within thirty days of the coming into force of this Act.

25. Presumption as to orders.— Where an order purports to have been made in exercise of any power conferred by or under this Act, a Court or Tribunal shall presume that such order was so made.

26. Burden of proof in certain cases.— Where any person is prosecuted for contravening any order made under this Act 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 that person.

27. Protection of action taken under the Act.— (1) No suit, prosecution or other legal proceeding 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 this Act.

(2) No suit or other legal proceeding 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 this Act.

28. Validation and savings.— All policy instructions or directions of the Government issued before the coming into force of this Act which are not contradictory to this Act shall be deemed to be issued under this Act.

29. Officers and employees of the Authority to be public servants.— The employees of the Authority shall be deemed to be public servants within the meanings of section 21 of the Pakistan Penal Code, 1860 (XLV of 1860).

30. Monitoring and Evaluation.— (1) The Government may appoint an independent agency or entity for social audit and evaluation of the performance of the Authority for a specified period.

(2) The Agency or entity shall submit its report to the Government and the Government shall lay the report in the Provincial Assembly of the Punjab.

31. Annual report.— (1) The Authority shall submit annual report of its activities to the Government at the end of a financial year.

(2) The Authority shall circulate a quarterly report of its activities to all the Members in the prescribed manner.

(3) The Government shall lay the annual report of the Authority in the Provincial Assembly of the Punjab.

32. Act to have overriding effect.— Notwithstanding anything inconsistent contained in any other law, the provisions of this Act and any order made under this Act shall have overriding effect over all other laws.

33. Power to make rules.— (1) The Government may make rules for carrying out the purposes of the Act.

(2) In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for:

- (a) the manner and form of keeping the accounts of the Authority;
- (b) qualifications and procedure to be followed for appointment or recruitment of advisers, consultants, experts, officers and other employees of the Authority;
- (c) terms and conditions of employment or service of the employees of the Authority;
- (d) date on which and the form in which the annual budget statement of the Authority shall be submitted to the Government each year;
- (e) procedure for appropriation and re-appropriation of moneys at the disposal of the Authority;
- (f) form and manner in which the accounts of receipts and expenditure of the Authority shall be kept;
- (g) manner in, which accounts of the Authority shall be audited;
- (h) manner in which audit reports shall be submitted to the Government;
- (i) manner and form in which and the authority to whom returns, reports, or statements shall be submitted;
- (j) establishment, composition, powers and duties of various committees which may be established under the Act; and
- (k) such other matters relating to the administration and other affairs of the Authority as the Government may think fit to prescribe.

34. Power to frame regulations.— The Authority may, with the previous approval of the Government, frame regulations for matters not provided for in the rules for which provision is necessary or expedient for carrying out the purposes of the Act.

35. Transition.— All matters relating to the sasti roti initiative of the Government shall be transferred to the Authority through a notification to be issued under this Act.