



Government of the People's Republic of Bangladesh
WTO Cell, Ministry of Commerce

Bangladesh Regional Connectivity Project-1

Probashi Kollayan Bhaban
Eskaton Garden, Dhaka-1000

Policy Review/Policy Study/Policy Paper Preparation
on

**The Essential Articles (Price-Control and
Anti-Hoarding) Act 1953**



January 2023

Policy Review/Policy Study/Policy Paper Preparation

on

The Essential Articles (Price Control and Anti-Hoarding) Act, 1953

[Package no. BRCP-1/MOC/SD-26]

Submitted to

Project Director

Bangladesh Regional Connectivity Project-1
WTO cell, Ministry of Commerce
Level-12 (Westside), Probashi Kallyan Bhaban,
71-72 Old Elephant Road, Dhaka 1000

Submitted by



South Asian Network on Economic Modeling (SANEM)
Flat K-5, House 1/B, Road 35, Gulshan 2
Dhaka 1212, Bangladesh
Phone: +88-02-58813075
Email: sanemnet@yahoo.com
<http://www.sanemnet.org>

January 2023

Team of Consultants

S.N.	Team Members	Position in the Team
1	Dr. Bazlul Haque Khondker	Team Leader
2	Dr. Selim Raihan	Co-Team Leader, Trade Expert
3	Mahtab Uddin	Policy Analyst
4	Mohammad Golam Sarwar	Legal Expert
5	Mir Ashrafun Nahar	Senior Research Associate
6	Afia Mubasshira Tiasha	Research Associate
7	Samantha Rahman	Research Associate
8	Papri Das	Research Associate
9	Farhin Islam	Research Associate
10	Anindita Sejuti Ahammad	Research Intern

Preface

The final report intends to respond to the requirement according to the provision of the contract agreement signed between Bangladesh Regional Connectivity Project-1 (BRCP 1) and South Asian Network on Economic Modeling (SANEM) for conducting **“Policy Review/Policy Study/Policy Paper Preparation under the Bangladesh Regional Connectivity Project 1)”** in collaboration with International Development Association (IDA), The World Bank. The objective of this technical assistance project is to review the existing government policies related to trade to strengthen cooperation in trade, transport, and transit facilities and facilitate the economic empowerment of women traders. The ongoing context and challenges are compared with the existing policies. It has also analyzed the best practices of regional comparators to promote and improve trade-related activities as well as the relevance of SHE trade with the existing policies. Finally, based on the findings, the recommendation for future policy has been identified.

Consultancy services for conducting the **“Policy Review/Policy Study/Policy Paper Preparation under the Bangladesh Regional Connectivity Project 1)”** was provided by the South Asian Network on Economic Modeling (SANEM), Bangladesh. The study team consists of four senior-level experts. The major objective of the study is to depict a clear picture of the current state of the implementation of the policies, and challenges and to provide suggestions for future policies. Furthermore, Reviewing and identifying the gaps in the existing policies were also aimed to be found for this study.

The review of the **Essential Articles (Price Control and Anti-Hoarding) Act, 1953**, has identified some specific areas including the overview Act, the current state of the implementation areas of the Act, and legal enforcement.

We are enthusiastic about the policy recommendations, which would support policymakers and other stakeholders to improve performance.

Md. Mijanur Rahman
Project Director (Joint Secretary)
Bangladesh Regional Connectivity Project-1
Ministry of Commerce

Acknowledgements

It is indeed a great pleasure that Bangladesh Regional Connectivity Project 1 (BRCP-1), Ministry of Commerce has entrusted International Development Association (IDA), and the World Bank to carry out “**Policy Review/Policy Study/Policy Paper Preparation**”. The report of the study has been prepared based on a mixed methodology. The studies are **1) The Import and Export Control Act, 1950, 2) The Essential Articles (Price Control and Anti Hoarding) Act, 1953 and 3) National Innovation and Intellectual Property Policy, 2018.**

The policy papers contain the objective, scope, and methodology for the studies, current context, and challenges, deviation from the international practices, and the relevance of the policies to the SHE trade. The consultants also described the best practices of regional countries adapted to facilitate trade-related activities. In the end, the findings from the analysis and recommendations for the upcoming policy papers are portrayed.

The authors wish to thank Md Mijanur Rahman, Project Director, Bangladesh Regional Connectivity Project 1, and Md Munir Chowdhury, National trade expert, BRCP-1 for their valuable comments and continuous support in undertaking the study.

We are also thankful to all the officials and participants who took part in the consultation meetings, both online and in-person, for helping us with their constructive criticism and valuable suggestions during the study period.

This work would not have been possible without the participation of the relevant stakeholders in the Key Informant Interviews (KIIs) as well as in the Focus Group Discussion (FGD).

Thanks are also due to all respondents of interviews, FGDS, and KIIs who helped us by providing their information during the data collection period.

The contribution and support provided by everyone for the study are greatly appreciated.



Dr. Selim Raihan
Executive Director, SANEM

Table of Contents

Acknowledgements.....	iv
List of Acronyms.....	vii
Executive Summary.....	viii
1. Introduction	1
1.1 Background and Objectives	1
1.2 Research questions.....	2
1.3 Methodology	2
1.4 Evaluation and analysis.....	3
1.5 Organisation of the Paper.....	4
2. The Essential Articles (Price Control and Anti-Hoarding) Act, 1953- Context and Challenges	4
2.1 Brief Overview of the Essential Articles (Price Control and Anti-Hoarding) Act-1953	4
2.2 Current State and Challenges	10
2.2.1 Power to fix maximum prices.....	10
2.2.2 Power to control possession of essential articles	10
2.2.3 Prohibition against purchase and sale	11
2.2.4 Licence for the traders	12
2.2.5 Power to compel sales	12
2.2.6 Prohibition against withholding of sales.....	13
2.2.7 Power to enter, inspect and search	13
2.2.8 Penalties against Hoarding and Black Market.....	14
2.2.9 Public Stockholding (PSH).....	14
2.2.10 Essential Articles and SSNPs.....	15
2.3 Changing Nature of the World Trade and Relevance of the Essential Articles (Price control and Anti-Hoarding) Act, 1953	16
2.3.1 Covid-19 Impact	16
2.3.2 LDC Graduation Challenges	16
2.3.3 4th Industrial Revolution.....	16
2.3.4 Global Price Hike	17
2.3.5 The Russia and Ukraine War and its impact on the global economy.....	18
2.4 The Government and the Price Control.....	18
2.5 Deviation from the International Practices (By Comparators).....	18
2.5.1 The Phillippines	19
2.5.2 Pakistan	27
2.5.3 Kenya.....	32
2.5.4 Pricing Law of the People's Republic of China	33
2.5.5 India.....	42
3. The Essential Articles (Price Control and Anti-Hoarding) Act, 1953 and its Relevance to the 'SHE' Trade	51
4. Findings of the Study from FGD and KIIs	53
4.1 Urgency of independent force and credulous time management	53
4.2 Inadequate communication	53
4.3 Shortage of skilled human resources, field-level inspection and widespread monitoring scheme	53
4.4 Inadequate market data availability and lack of a research.....	54
4.5 Fragility in the penalty implementation mechanism.....	54
4.6 Infirmary in tracing the dishonest traders promptly.....	54
4.7 Inadequacy of study on anti-hoarding and black market.....	54
4.8 Imprecise listing for dealers.....	55
4.9 inadequate transportation	55
4.10 Existence of deceptive organisation.....	55

4.11 The existence of third-party hassles and the slothfulness of the market committee	56
4.12 Nonexistence of independent laboratory and Dearth of technological assistance	56
4.13 Absence in the price display system.....	56
4.14 Insufficient drive to obtain a business licence	56
4.15 Dearth of technological assistance.....	57
5. Recommendations	58
5.1 Mother Law/Act and dividing responsibilities.....	58
5.2 Updating the definitions with the present context.....	58
5.3 Specified jurisdiction	58
5.4 Coordination	59
5.5 Inclusion of new aspects.....	59
5.6 Information collection mechanism (receipt).....	59
5.7 Revisiting penalty provisions/ punishment mechanism/ follow-up mechanism	60
5.8 Mechanisms of other countries.....	60
5.9 Facilitation of Women	60
5.10 Monitoring organizations	60
6. Recommendation Matrix	61
7. Conclusion.....	67
Reference.....	69
Annexure.....	72

List of Tables

Table 1: Overview of the Essential Articles (Price Control and Anti-Hoarding) Act-1953.....	5
Table 2 Republic Act No. 7581 (THE PRICE ACT May 27, 1992).....	19
Table 3 Price Control Prevention of Profiteering and Hoarding Act, 1977	27
Table 4 Price Control (Essential Goods) Act (Kenya)	32
Table 5 Pricing Law of the People's Republic of China	33
Table 6 The Essential Commodities Act, India.....	42
Table 7 Recommendation Matrix for future	61

List of Acronyms

<i>BNHRC</i>	<i>Bangladesh National Human Rights Commission</i>
<i>BRCP-1</i>	<i>Bangladesh Regional Connectivity Project-1</i>
<i>BSTI</i>	<i>Bangladesh Standards & Testing Institution</i>
<i>CCI&E</i>	<i>Chief Controller of Import and Export (CCIE)</i>
<i>COVID-19</i>	<i>Coronavirus disease of the year 2019</i>
<i>EMDEs</i>	<i>Emerging Markets and Developing Economies</i>
<i>EPB</i>	<i>Export Promotion Bureau</i>
<i>FAO</i>	<i>Food and Agriculture Organization</i>
<i>FIR</i>	<i>Fourth Industrial Revolution</i>
<i>FGD</i>	<i>Focused Group Discussion</i>
<i>GDP</i>	<i>Gross Domestic Product</i>
<i>GoB</i>	<i>Government of Bangladesh</i>
<i>GVC</i>	<i>Global Value Chain</i>
<i>ICT</i>	<i>Information and Communication Technology</i>
<i>IDA</i>	<i>International Development Association</i>
<i>IMF</i>	<i>International Monetary Fund</i>
<i>KII</i>	<i>Key Informants Interview</i>
<i>LDCs</i>	<i>Least Developed Countries</i>
<i>MCO</i>	<i>Movement Control Order</i>
<i>MoC</i>	<i>Ministry of Commerce</i>
<i>Mol</i>	<i>Ministry of Industries</i>
<i>MRP</i>	<i>Maximum Retail Price</i>
<i>MSME</i>	<i>Micro, Small, and Medium Enterprise</i>
<i>MSMED</i>	<i>Micro, Small, and Medium Enterprise Development</i>
<i>NGO</i>	<i>Non-Government Organisation</i>
<i>OMS</i>	<i>Open Market Sales</i>
<i>R&D</i>	<i>Research and Development</i>
<i>SANEM</i>	<i>South Asian Network on Economic Modeling</i>
<i>SMEs</i>	<i>Small and Medium Enterprises</i>
<i>SMI</i>	<i>Survey of Manufacturing Industries</i>
<i>SROs</i>	<i>Statutory Regulatory Orders</i>
<i>TCB</i>	<i>Trading Corporation of Bangladesh</i>
<i>TPE</i>	<i>Total Persons Engaged</i>
<i>VAT</i>	<i>Value-Added Tax</i>
<i>WB</i>	<i>World Bank</i>
<i>WTO</i>	<i>World Trade Organization</i>
<i>4IR</i>	<i>Fourth Industrial Revolution</i>

Executive Summary

To facilitate alternative and accentuate nearby connectivity, the authorities of the People's Republic of Bangladesh enacted "Bangladesh Regional Connectivity Project 1 (BRCP-1)" in collaboration with the International Development Association (IDA), The World Bank. The Ministry of Commerce (MoC) geared up and carried out an element that is an umbrella undertaking. The number one targets of this umbrella undertaking are to assess present authorities' rules concerning alternate and to introduce new rules for increasing alternate capability. Moreover, this undertaking is well-known and shows the drawbacks of the rules to make sure sustainable and lively cooperation between a few of the applicable stakeholders. To address the aftermath of LDC commencement and useful resource for women investors for economic empowerment, comparing alternate-applicable rules is a prerequisite. As Bangladesh could be going via a transition length from LDCs, it'll face a cocktail of obstacles and opportunities. Hence, formulating efficacious alternate-associated rules and executing present provisions is integral for stonewalling the fallout of the commencement.

SANEM has carried out this study to evaluate "The Essential Articles (Price Control and Anti-Hoarding) Act, 1953" via complete desk research, Key Informant Interviews (KIIs) and Focus Group Discussion (FGD). While reviewing the policy review paper we took into attention of the quick evaluation of the Essential Articles (Price Control and Anti-Hoarding) Act, the contemporary popularity and demanding situations of the provisions of the Act and applicable stakeholders the implementation nation of the provisions supplied through the Act and coverage's relevance to the converting nature of the worldwide trade. This evaluation paper additionally explores the global buying and selling state of affairs by examining the popularity of comparators' international locations in Bangladesh which include Pakistan, Kenya, China and the Republic of the Philippines. Moreover, this examination consists of gender components and techniques for mainstreaming the girl buyers via the supply of the Essential Articles (Price Control and Anti-Hoarding) Act.

This study paper has a detailed overview of the history, evolution, functions, and objectives of "The Essential Articles (Price Control and Anti-Hoarding) Act, 1953" under chapter two. This policy review paper also reveals challenges in controlling maximum price in the domestic market and barriers regarding the control of supply and distribution of, and trade and commerce in, a certain limited number of essential commodities. However, this study unveils the problem to fix maximum prices, controlling possession of essential articles, prohibition against purchase and sale, ensuring licence for the traders, power to compel sales, and prohibition withholding sales. Moreover, it also revealed the current status and challenges regarding the power to enter, inspect and search and impose penalties against "Hoarding and Black Market".

The chapter also includes a section outlining the significance of 'The Essential Articles (Price Control and Anti-Hoarding) Act, 1953' with LDC graduation, the COVID-19 pandemic, the 4th Industrial Revolution (4IR) and human capital, the 8th Five Year Perspective Plan (2021-2041), and global price hike in the current trading scenario, as well as identifying and analysing the Act's key distinctions from its comparator countries. This study explores the scenario of Pakistan, Kenya, China and the Republic of the Philippines for the future amendments of 'The Essential Articles (Price Control and Anti-Hoarding) Act, 1953'. This chapter also includes the

importance of price control in the economy and the relevancy of “The Essential Articles (Price Control and Anti-Hoarding) Act, 1953” with other Acts such as the “Trading Corporation of Bangladesh Order, 1972”, the “Consumers’ Right Protection Act, 2009” and the “Hoarding and Black Market Act, 1948”.

Chapter three of the policy review paper outline the importance of women in the trade economy and the relevance of the Act toward mainstreaming women entrepreneurs and traders in the international trading arena and Global Value Chain (GVC). This study reveals some important pathways to promote women entrepreneurs through the provision of the amended “Essential Articles (Price Control and Anti-Hoarding) Act”. Furthermore, the study on “She Trade” suggests some pathways to empower women traders through upgrading the Act under chapter three such as introducing alternative sectors for women and gender-focused trade policies. Moreover, a special concentration on women entrepreneurs is the major strategy to address SHE trade in the Act to better enable women’s trade.

The fourth chapter proceeds with the main findings of the study through robust desk research, comprehensive KIIs, and interactive FGDs. Next, the fifth chapter portrays all the suggested recommendations including a recommendation matrix which includes the new suggestions regarding the provisions of the Act. Lastly, the sixth chapter exhibits the concluding remark of the thorough study of “The Essential Articles (Price Control and Anti-Hoarding) Act, 1953” and the reviews and recommendations suggested from the beginning to the end of the paper.

Different types of drawbacks that hinder the efficacious implementation of the Act are listed in the findings of the study in chapter four. Among the drawbacks, one of the major challenges is the lack of an adequate monitoring scheme for tracing the sale of essential commodities at a higher price than the maximum price fixed by the government, hindrances in market monitoring, and insufficient human resources. The urgency of independent force, lack of strong communication, dearth of a widespread monitoring scheme, undersupply of proper data and market information, shortage of skilled human resources, fragility in the penalty implementation mechanism, infirmity in tracing the dishonest traders promptly, the inadequacy of study on anti-hoarding and the black market, the motivation behind piling up the products and dishonesty need to be addressed, imprecise listing for dealers, credulous time management, shortfall of adequate transport, the existence of the deceptive organisation, slothful market committee, the nonexistence of independent laboratory, shortfall of the price display system, deficiency in motivation for trade licence, dearth of technological assistance, shortfall of field-level inspection, absence of a research wing and existence of hassle from the third party.

The momentous recommendations are recorded in the fifth chapter of this policy review paper. There are a plethora of recommendations which are collected after robust KIIs and FGD during the review. One of the prime recommendations was to specify the definition of price control and essential commodities so that relevant stakeholders can perform their duty more precisely and effectively. Moreover, another suggestion incorporate the proposal of a feasibility study for introducing a mother acts instead of several Acts on the same issue. In this case, the mother Act may implement the necessary policy for market stabilisation more precociously. However, coordination among the relevant stakeholders is very crucial to

fulfilling the rationale of any Act thus how this Act also require strong communication among the responsible authorities. This study also suggests following the comparator countries to launch a proper mechanism to attain fruitful outcomes in case of tarnishing dishonest traders from the economy. Furthermore, this policy review paper also focuses on the concept of “SHE Trade” which is a pivotal issue for an economy like Bangladesh. This study suggests assisting women entrepreneurs by providing financial support and opportunities for trade so that they may continue their interest in commercial business.

Conclusively, Government-imposed price controls are typically implemented to aid or safeguard specific segments of the marginalised population who might otherwise be unfairly treated under an unrestricted pricing system. Moreover, for a smoother recovery from the inflationary pressure, the objectives and provisions which are incorporated in the Act might be rectified according to the recent scenario of Bangladesh’s economy.

1. Introduction

1.1 Background and Objectives

Nowadays, the price of daily commodities is increasing continuously and people of the whole country are facing difficulties to meet their daily basic needs. It is crucial to address issues such as price hikes and the consequences of price hikes on food security to assist the Government in the prompt act or policy measures to tarnish the hardship of marginalised people. In this world of globalisation, price hike on essential commodities has raised a serious risk for households as they have to spend their large share of income on buying food. On the other side, traders of Bangladesh have also increased the price of essential commodities which is beneficial for them while the impact of this surge in prices will be tremendous on the middle-income and lower-middle-income groups.

However, the experience of a price hike is not new for Bangladesh. The Government already introduced an Act titled “The Essential Articles (Price Control and Anti-Hoarding) Act” which was formulated on 5th October 1953. The Act was commenced to formulate a blueprint for the control of supply and distribution of, and trade and commerce in, a certain limited number of essential commodities. It explains the definition of the essential articles according to the “Control of Essential Commodities Act, 1956” which may declare by the notification of the Government from time to time. According to the Act, the Government may set up an unsurpassable price for the essential commodities at which the goods will be sold by the retailer, wholesaler, or any other person. Moreover, no one will be allowed to sell or purchase at prices exceeding the maximum prices and stock an extra quantity of essential articles under his possession or control.

In this context, the traders are also supposed to register their storage house and display a notice board quoting therein the daily stock of essential articles held by them in their possession. The Government has authorised officers to enter and inspect any relevant places believed to be used for the purchase, sale, transfer, and storage while there will be traders who contravene the provisions of this Act. The owner, occupier, or other persons in charge of such premises, tents, or vessels will not be directed to produce any books, accounts, vouchers, or other documents relating to the purchase if they have stored the essential articles for their consumption. By the same token, if any person contravenes or abets a contravention of any provisions of this Act, will be deemed to have committed an offence according to section 3 of the “Hoarding and Black Market Act, 1948”. Any officer or subordinate might be imposed with the authority to discharge the relevant people who are guilty of contravention of any provisions of this Act. Moreover, the Government may also make rules for carrying out the purposes of this Act.

In this framework, the Government of Bangladesh (GoB) initiated the Bangladesh Regional Connectivity Project 1 (BRCP-1) in collaboration with the International Development Association (IDA), and the World Bank. The Ministry of Commerce (MoC) is responsible for implementing component two in the pipeline of this project. As a part of this project, we will carefully revisit “The Essential Articles (Price Control and Anti-Hoarding) Act, 1953 (East Bengal Act)”, and point out its impact, effectiveness, relevance to the present trade scenario,

and its role in mainstreaming women entrepreneurs to formal trade. The reappraisal of this Act will also mention upcoming challenges and provide recommendations to include, exclude, and alter the existing provisions of the “Essential Articles (Price Control and Anti-Hoarding) Act, 1953 (East Bengal Act)”, to make the future order insightful, forward-looking, and prudent.

1.2 Research questions

The key research questions that the research team will answer particularly for this study are as follows-

- 1) What steps can maintain the price that is fixed by the Government at which an essential article will be sold?
- 2) What will be the pathways to prohibit the withholding of sales and power to control possession of essential articles?
- 3) What specific incentives can be provided to female entrepreneurs to make their import-export more competitive in the global market?
- 4) According to the Act, no trader will be able to sell or exhibit any essential article in respect of which marking of maximum prices is required. What steps can make the rules implacable and trace the dishonest traders for tarnishing this practice?
- 5) According to the Act, no trader will be able to store their essential commodities in any place rather than their registered storehouse. What steps can ensure the registration of the relevant stakeholders?
- 6) What will be the effect of supplying essential articles at an affordable price to consumers?
- 7) What steps can the Trading Corporation of Bangladesh (TCB) or other stakeholders take to encourage proper implementation of the rules and regulations made under “The Essential Articles (Price Control and Anti-Hoarding Act, 1953 (East Bengal Act))”?
- 8) What will be the potential challenges to inspecting and entering any premises for tracing market conditions and imposing penalties accordingly?

1.3 Methodology

Given the objectives and the key research questions of this study, the research team has primarily followed mixed methodologies in presenting the deliverables. The methodology will be based on two significant tasks in general:

- (i) Rigorous desk research of all relevant policy documents, literature, and secondary data, and
- (ii) Primary data collection and analysis by conducting Key Informant Interviews (KIIs).

Therefore, the research methodology can be categorised as follows:

1.3.1 Desk research

The study has conducted rigorous desk research focusing on the principal components of the study. The desk research has included a review of all relevant documents and literature on patents, the TRIPS Agreement, and domestic and international law. Accordingly, the team has

also examined and analyzed the available secondary data. The research team has focused on the following documents for desk review-

- The Essential Articles (Price Control and Anti Hoarding) Act, 1953
- Black Market Act 1948
- The Control of Essential Commodities Act 1956
- Other government documents/reports
- Relevant literature on the topic
- Global and regional best practices

During the desk research, the research team followed the following steps-

- A thorough assessment of policy documents, which includes all relevant and existing acts, ordinances, legislation, agreements, treaty, and literature, would help to detect policy bottlenecks and discrepancies.
- Developing the KII checklist based on the assessment of the stated documents.
- Complementing and comparing the preliminary analysis with the findings from the primary data.
- Reviewing the context and current trends in patents, international status, and practices from UNCTAD, WTO, World Bank, and IMF databases.
- Analysis of the TRIPS agreement and amendments.
- Comparison of Bangladesh with other LDCs, developing countries, and developed countries.

1.3.2 Primary data collection

In collecting primary data, the research team has followed a qualitative approach. Social aspects that are mostly unrepresented in the quantitative data can be addressed through qualitative data, which are expected to provide in-depth information on social dimensions and characteristics. As part of the qualitative data, the team has conducted Key Informant Interviews (KIIs) and Focus Group Discussions (FGDs).

Focus Group Discussion (FGD)

For this study, the research team has carried out one FGD.

Key Informant Interview (KII)

The KIIs will be helpful for an in-depth understanding of the policies, assessment of projects, and identifying gaps. For this particular study, the research team has carried out some KIIs. The mode of contact for the KIIs was face-to-face interviews, virtual meetings, and telephone interviews, depending on the situation. A detailed list of the interviewees is provided in the annexe section of this report.

1.4 Evaluation and Analysis

All the gathered data and information has been evaluated and analyzed at this stage. This process will include:

- Identifying the gaps in existing information through rigorous desk research
- Exploring the potential provisions of the existing act for women entrepreneurs.

- Analysis of primary data through KIIs to evaluate the actual activities of the implementing organization and its actors in the present scenario.
- Identifying the weaknesses and implementation challenges of the existing act from stakeholders' experiences, through KIIs.
- Comparing international best practices with the current provisions of the act.
- Providing possible legal recommendations about changes, alterations, exclusion, and extension of the current act through consultation with legal experts, and recommendations of key informants.

1.5 Organisation of the Paper

The structure of the policy review document is as follows. In Chapter Two, the policy's context and present issues are examined. This chapter summarises the current Act's state and scenario, trade-related provisions, and existing provisions' impediments. The chapter also looks at several nations' Essential Articles (Price Control and Anti Hoarding) Act, and Essential Commodities Act, as well as how ours varies. The importance of this Act to SHE trade is highlighted in Chapter Three. This chapter also shows whether or not the present provisions of the existing Act promote gender equality in trade and business. In chapter four, the data and information obtained from the KIIs and FGDs are presented. Chapter five provides the recommendations with a detailed matrix and in chapter six, the concluding remarks of this study are provided.

2. The Essential Articles (Price Control and Anti-Hoarding) Act, 1953- Context and Challenges

2.1 Brief Overview of the Essential Articles (Price Control and Anti-Hoarding) Act-1953

Bangladesh has long had a lot of food-related concerns. The primary cause of this issue is unlawful hoarding of products, which is defined as the act of gathering huge quantities of something and keeping it in a hidden location to fake a crisis. It is both immoral and illegal for someone to hold goods, commodities, or food items in warehouses when doing so causes a shortage in the local markets and an increase in pricing¹. Therefore, the objective of the "Essential Articles (Price Control and Anti-Hoarding) Act-1953" was to balance the supply and demand of essential commodities and to trace the market price of the essential commodities so that it could successfully continue with the inspection for tarnishing black marketing and hoarding.

¹ <https://www.daily-sun.com/post/444148/Of-Illegal-Hoarding-And-Its-Penalty>

Table 1: Overview of the Essential Articles (Price Control and Anti-Hoarding) Act-1953

Topic	Stated Provision in the Act	Measures to Implement the Act
<p>Section one: Short title, extent, and commencement</p>	<p>1. (1) This Act may be called the Essential Articles (Price Control and Anti-Hoarding) Act, 1953. (2) It extends to the whole of [Bangladesh]. (3) It shall come into force at once</p>	<p>➤ The authority may enlarge the team and send them to local places for tracing the market price of the essential commodities so that it could successfully continue with the inspection to stabilise the market.</p>
<p>Section two: Definitions</p>	<p>2. In this Act, unless there is anything repugnant in the subject or context-</p> <p>(a) “essential article” means any article, other than an article that is an “essential commodity” within the meaning of section 2 of the [* * *] Control of Essential Commodities Act, 1956, which the Government may, from time to time, declare by notification, to be an article to which the provisions of this Act shall apply;</p> <p>(b) “family” includes all persons who live in a private house and are members of the same mess;</p> <p>(c) “notification” means a notification published in the Official Gazette;</p> <p>(d) “prescribed” means prescribed by rules made under this Act;</p> <p>(e) “retailer” means a trader who sells any essential article directly to a consumer;</p> <p>(f) “trader” means any person engaged in the purchase, sale or storage for sale of any essential article; and</p> <p>(g) “Wholesaler” means a trader other than a retailer.</p>	<p>➤ The authority may collaborate with different ministries to attain the marginalised people at some stage in any form of crisis. This collaboration can also additionally require the right coordination among the stakeholders.</p>
<p>Section three: Power to fix prices and to require marking of prices</p>	<p>3. (1) The Government may, from time to time, by notification, fix the maximum prices at which an essential article may be sold by a retailer, wholesaler, or any other person and for this purpose may fix different prices for different areas of the [country].</p> <p>2) The Government may, by notification, require any trader to mark, on any essential article, the maximum prices fixed under sub-section (1), in such manner as may be prescribed and the traders</p>	<p>➤ The authority would possibly specify their responsibilities in keeping with</p>

Topic	Stated Provision in the Act	Measures to Implement the Act
	<p>concerned shall mark such article accordingly. Such trader shall exhibit in a prominent place in the shop or godown a list showing the maximum prices of essential articles fixed under the said sub-section.</p> <p>(3) A notification under sub-section (1) shall specify the date from which and the period for which the maximum price has been fixed.</p>	<p>necessity. This can also additionally require skilled manpower.</p>
<p>Section four: Prohibition against the purchase, sale, etc., at prices exceeding the maximum price</p>	<p>4. (1) Notwithstanding anything contained in any contract, no retailer or wholesaler shall sell or purchase, or deliver or accept delivery of, any essential article at a price exceeding the maximum price fixed under sub-section (1) of section 3.</p> <p>(2) No trader shall sell or offer or exhibit for sale any essential article in respect of which marking of maximum prices has been required under subsection (2) of section 3 unless such article has been so marked.</p>	<p>➤ The authority may introduce a wing to screen the domestic marketplace in order that it may deal with the hassle exactly and impose guidelines accordingly.</p>
<p>Section five: Power to control possession of the essential article</p>	<p>5. (1) The Government may, by notification, direct that no family, wholesaler, or retailer shall keep in its or his possession or under its or his control any essential article above the quantity specified in such notification.</p> <p>Explanation - For this section, the possession or control of any one member of a family shall be deemed to be the possession or control of every adult member of that family.</p> <p>(2) If, on the date of issue of a notification under sub-section (1) in respect of any essential article, any family, wholesaler or retailer has in its or his possession any quantity of such essential article above the quantity specified in such notification, the head of the family, wholesaler or retailer concerned shall forthwith report the fact to the Government or such officer as may be empowered in this behalf by the Government and shall take such action as to the storage, distribution or disposal of the excess quantity as the Government or such officer may direct.</p>	<p>➤ The authority may do several feasibility studies on the provisions of this Act so that they may amend the Act according to the necessity.</p> <p>➤ The authority may specify the relevant stakeholders to implement the law more effectively and ensure the accountability of the</p>
<p>Section six: Power to require a license for trading</p>	<p>6. The Government may, by notification, direct that no trader or class of trader shall deal in any essential article except under and in accordance with the conditions of, a license issued, on this behalf by the Government, on payment of such fees and in such manner and form as may be prescribed. An application for such license shall be accompanied by such fee as may be prescribed.</p>	

Topic	Stated Provision in the Act	Measures to Implement the Act
Section seven: Power to compel sales to the specified person	7. The Government may, by general or special order in writing, require any trader holding stock of an essential article to sell the whole or specified part thereof at prices not exceeding the maximum fixed under sub-section (1) of section 3, to such person or class of persons and in such circumstances or under such permits as may be specified in the order and the trader concerned shall comply with such order.	<p>responsible organisations.</p> <p>➤ The authority may introduce a monitoring scheme on regular basis to trace the dishonest traders and withdraw them from the market place.</p>
Section eight: Prohibition against withholding of sales	8. No trader shall unless previously authorised to do so by the government, withhold from the sale or refuse to sell to any person, any essential article in quantities not contrary to the normal practices of his business.	
Section nine: Power to require maintenance of accounts, etc., and registration of godowns	<p>9. (1) Any officer, authorised on this behalf by the Government, may, by general or special order in writing,-</p> <p>(a) require a trader to maintain accounts relating to any transaction in such manner and form as may be prescribed;</p> <p>(b) require a trader to submit such accounts, returns, reports, or statements relating to any transactions, in such manner and form and to such officer as may be prescribed;</p> <p>(c) require a trader to cause his storage godown to be registered on payment of such fees and in such manner and within such period as may be prescribed; and</p> <p>(d) require a trader to keep hung up in his business centre a notice board quoting therein the daily stock of essential articles held by him in his stock.</p> <p>(2) No trader whose godown has been registered under clause (c) of sub-section (1) shall store any essential article in any place other than the godown so registered.</p>	
Section ten: Power to enter, inspect, search, etc	10. Any officer, authorised on this behalf by the Government, may- (a) enter upon and inspect any premises, tents, vessels, or vehicles used or believed to be used for the purchase, sale, transfer, or storage for sale of any essential article;	

Topic	Stated Provision in the Act	Measures to Implement the Act
	<p>(b) enter upon and search any premises, tents, vessels, or vehicles and seize any essential article, together with the containers thereof, in respect of which he has reason to believe that contravention of this Act has been committed;</p> <p>(c) direct the owner, occupier, or other persons in charge of such premises, tents or vessels, or any trader to produce any books, accounts, vouchers, or other documents relating to the purchase, sale, or other documents relating to the purchase, sale or storage for sale of any essential article or to furnish such information relating to such transaction as the officer so authorised may require; but the officer so authorised shall not require any family which has stored essential articles for consumption and not for sale to produce books, accounts, vouchers or other documents relating to the purchase of any such essential articles;</p> <p>(d) inspect or cause to be inspected any books, accounts, vouchers, or other documents relating to such transactions; and</p> <p>(e) take or cause to be taken extracts from, or copies of, any document relating to such transactions.</p>	
Section eleven: Provisions of the Act not to apply in case of Government purchase, etc.	11. The provisions of this Act shall not apply to the purchase, storage, or distribution, of any essential article by or on behalf of the [Government].	
Section twelve: Power to exempt	12. The Government may, by notification, exempt any person or class of persons from all or any of the provisions of this Act subject to such conditions, if any, as may be specified.	
Section thirteen: Penalties	13. If any person contravenes any of the provisions of this Act, he shall be deemed to have committed an offence under section 3 of the Hoarding and Black Market Act, 1948, and the provisions of that Act shall apply accordingly.	
Section fourteen: Attempts and abetments	14. Any person who attempts to contravene, or abets a contravention of, any provision of this Act shall be deemed to have contravened that provision.	

Topic	Stated Provision in the Act	Measures to Implement the Act
Section fifteen: Delegation of power	15. The Government may, by notification, direct that any power or duty which is conferred or imposed by this Act on the Government shall, subject to such conditions, if any, as may be specified in the notification, be exercised or discharged also by any officer or authority subordinate to it.	
Section sixteen: Public servant	16. Any person empowered to do anything under this Act shall be deemed to be a public servant within the meaning of section 21 of the [* * *] Penal Code.	
Section seventeen: Power to make rules	17. The Government may make rules for carrying out the purposes of this Act.	
Section eighteen: Indemnity	18. (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 provision of this Act and the Rules made there under. (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 provision of this Act and the Rules made thereunder.	
Section nineteen: [Repealed.]	19. [Repeal and savings - Repealed by section 2 and the Schedule of East Pakistan Repealing and Amending Ordinance, 1966 (East Pakistan Ordinance No. XIII of 1966).]	

Source: Compiled by authors from the Essential Articles (Price Control and Anti Hoarding) Act, 1953

2.2 Current State and Challenges

2.2.1 Power to fix maximum prices

The Government of Bangladesh (GoB) has attempted to regulate pricing by establishing maximum and minimum prices. Price regulations have always played a significant role in the political and economic atmosphere. There are various types of regulation, such as the government imposing voluntary price control. Price control can be categorised as price ceiling or price floor. Government-imposed price controls are typically implemented to aid or safeguard specific segments of the populace who might otherwise be unfairly treated under an unrestricted pricing system².

The cost of necessities is rapidly rising. Since June 2020, Bangladesh has been under the weight of inflation, which the war between Ukraine and Russia has exacerbated since February 2021. The price increase continues unabatedly despite the government lowering the value-added tax (VAT) on imports of some commodities, including edible oil. According to the Bangladesh Bank, food inflation increased from 5.3 per cent in July 2021 to 6.2 per cent in March 2022. The cost of edible oil has decreased following the elimination of the value-added tax on its manufacture, distribution, and import. The government has received assurances from the oil refiners that they will work with the government to keep the market adequately supplied with the essential ingredient for cooking. After reviewing the prices of edible oil, the government has decided on new rates³.

The government set the maximum retail price (MRP) of one litre of loose soybean oil at Tk 136 and the MRP of a five-litre jar of edible oil at Tk 760. The government also cut the MRP of bottled edible oil by Tk 8 to Tk 160 per litre. The government approved a reduction from the previous Tk 168 rate on February 6th, and the new rate has been set since then⁴. To maintain the stability of the price in the market, the supply of daily necessities should be increased. Hasty actions won't be able to manage the market. To determine the true causes of the price increase, an investigation should be launched. If any abnormalities are discovered, prompt action should be taken⁵ such as adopting a comprehensive policy. It will control high pricing and alleviate inflationary pressure nationally or globally. Inequality in Bangladesh will increase if it is not immediately addressed with suitable measures⁶.

2.2.2 Power to control possession of essential articles

A consumer is a person who purchases goods and services from a business owner but is not actively participating in the transaction and their rights are integral. Therefore, the government has developed various policies to find a balance between profit and quality to make the industry viable and legitimate. These policies primarily concern the provision of products and services to consumers or customers who desire to buy or rent items and/or

²https://www.academia.edu/34156745/Control_of_Prices_Bangladesh_perspective

³<https://cpd.org.bd/price-hike-of-essentials-what-can-the-government-do/>

⁴<https://thefinancialexpress.com.bd/trade/edible-oil-price-cut-in-bangladesh-market-by-tk-80-per-litre-1647833032>

⁵https://www.risingbd.com/english/Steps_needed_now_to_stop_price_hike_during_Ramadan/25604

⁶<https://www.thedailystar.net/opinion/macro-mirror/news/holistic-approach-needed-rein-rising-prices-3024996>

services from manufacturers or sellers⁷. Bangladesh enacted the Consumer Rights Protection Act, of 2009 to address consumer affairs. The Law is an addition to a set of around 61 pertinent laws that deal with consumer rights and their protective methods. Articles 15 and 18 of the Constitution of Bangladesh can be referred to as the basis of consumer protection laws. Article 15 addresses the provision of necessities such as food, clothing, the right to work, the right to a reasonable wage, quantity and quality of work, social security etc. In addition, there are numerous other provisions which have been enacted from time to time⁸.

2.2.3 Prohibition against purchase and sale

There is no general restriction on doing business with certain countries or jurisdictions. However, the Chief Controller of Import and Export (CCIE) routinely modifies the import and export policies, addenda, and Statutory Regulatory Orders (SROs) to prohibit or place restrictions on the import and export of specific commodities from or to specific nations for a specific duration. The Anti-Terrorism Act 2009 recognises the resolutions passed by the UN Security Council⁹. The manufacturer, producer, service provider, or even the seller may be held accountable if certain food, drugs, or other critical goods are contaminated. The sale of counterfeit goods, stolen goods, tainted food, and drugs is also forbidden, and anyone caught doing so faces harsh penalties. These include the death penalty under the Special Powers Act of 1974 or 10 years in prison, and a Tk 1 million fine under the Drug Control Ordinances of 1982¹⁰.

The Sale of Goods Act, 1930, which was created independently from the Contract Act and entered into force on July 1st, 1930, governs the sale of goods in Bangladesh. This Act is composed of 66 Sections and covers the entirety of Bangladesh. It is mostly based on the English Act and incorporates many of its provisions. If they are not in conflict with the specific provisions of this Act, the basic requirements of the Contract Act continue to apply to contracts for the sale of commodities. Therefore, the articles of the Contract Act that deal with the legal age of the parties, free consent, agreements that prohibit trade, wagering agreements, and the calculation of damages still apply to a contract for the sale of commodities¹¹.

The term "consideration" has been amended to mean that it must take the form of "price" or cash consideration in a contract for the sale of goods. A contract for the sale of commodities is created, like any other contract, when one party makes an offer, and the other party accepts it. The contract's parties are free to agree on any conditions they like about delivery and payment of the price as consideration. However, the Sale of Goods Act does not attempt to limit this freedom. It merely establishes a few general, positive guidelines for situations where the parties haven't explicitly planned for unforeseen events that might interfere with the sale

⁷<https://thefinancialexpress.com.bd/views/consumers-rights-protection-in-bangladesh>

⁸<https://thefinancialexpress.com.bd/views/consumers-rights-protection-in-bangladesh>

⁹[https://uk.practicallaw.thomsonreuters.com/1-504-7011?transitionType=Default&contextData=\(sc.Default\)&firstPage=true](https://uk.practicallaw.thomsonreuters.com/1-504-7011?transitionType=Default&contextData=(sc.Default)&firstPage=true)

¹⁰<https://thefinancialexpress.com.bd/views/consumers-rights-protection-in-bangladesh>

¹¹https://www.researchgate.net/publication/305516132_Analysis_of_General_Principles_of_Sale_of_Goods_Law_in_Bangladesh

contract's smooth performance. Although the Negotiable Instruments Act might be a problem in various situations¹².

2.2.4 Licence for the traders

A trade license, often known as a business license or business permit, is a legal document that certifies one's ability to conduct business in the specific area that is listed there. A trade license is required to operate a business in Bangladesh, regardless of whether it is a sole proprietorship, partnership, or limited liability company¹³. Finding dependable, long-term local partners in Bangladesh is increasingly essential for a successful venture. Of course, the market also needs timely support from the government and competent leadership¹⁴. Bangladesh is ranked 168th out of 190 countries in the "Ease of Doing Business 2020" report by the World Bank. Bangladesh was rated 176th the previous year. One of the reasons for this improvement is that it is now less expensive to launch a new company thanks to lower registration and name clearance fees as well as the elimination of the licensing fee for digital licenses.

One must acquire a trade license to conduct business in Bangladesh after successfully establishing or registering a company there. Trade licenses can be obtained from the City Corporation Offices or City Council Offices in the respective district of the business. The Local Government (City Corporation) Act of 2009 and the Municipal Taxation Rules of 1986 provide the legal framework for obtaining trade licenses in Bangladesh¹⁵. For certain industries, such as the food business, certain regulatory permits, such as BSTI certification, may also be necessary. In general, manufacturing operations have greater regulatory licensing needs than service businesses, so before beginning a business, one should always conduct preliminary regulatory research to identify the licenses required¹⁶.

2.2.5 Power to compel sales

Due to a shortage of supply, India was forced to stop exporting onions to Bangladesh and the price of onions soared in this country. The traders took advantage and immediately doubled the price. This is beyond any conceivable market theory that could account for such trading behaviour. The shortage did not happen suddenly, but the wholesalers and retailers fabricated a crisis and increased prices to guarantee enormous profits for themselves. The authority did not see any justification for the vendors' quick pricing increases. The government acted in response to the situation and began selling goods through the Trading Corporation of Bangladesh. It also issued a strong warning against hoarding commodities. Even though there was a global shortage of these goods and increasing international costs, wholesale and retail traders continued to take advantage of the situation, therefore the price did not decrease. The authority may oversee the timely distribution of fertilizer, seed, and pesticides to farmers and provide low irrigation costs through subsidised energy supply to

¹²<https://www.researchgate.net/publication/305516132> Analysis of General Principles of Sale of Goods Law in Bangladesh

¹³<https://www.fmassociatesbd.com/licensing/procedure-to-obtain-all-the-types-of-trade-licenses-in-bangladesh>

¹⁴<https://www.thedailystar.net/business/economy/industries/investments/news/bangladesh-must-remove-obstacles-connectivity-2208541>

¹⁵<https://www.fmassociatesbd.com/licensing/procedure-to-obtain-all-the-types-of-trade-licenses-in-bangladesh>

¹⁶<https://www.tbsnews.net/thoughts/essential-licenses-doing-business-bangladesh-242215>

maintain stable food prices. The Local Government Division may collaborate with the Union Parishads and Paurashavas to establish ongoing databases of low-income households so that these households can be identified to provide food and financial aid as required¹⁷.

2.2.6 Prohibition against withholding of sales

A consumer is entitled to lodge a complaint with the Consumer Rights Protection Department for any violation of the Act. The Deputy Commissioners of the districts can exercise the same power as given to the department. A consumer although barred from filing a direct complaint to the police station under the Consumer Rights Protection Act, 2009, can file a case to the Police Station under other Laws. The Law on consumer rights not only prohibits adulteration, hoarding, smuggling, black marketing, cheating, or fraud in weight and measurement or selling products at a higher price but also provides punishments for such acts¹⁸.

As the market's supply of goods increases, more public resources will be needed, and their use will need to be more effective. The policymakers will need to work on numerous fronts such as collecting more taxes, and domestic resource mobilization must be improved. Bangladesh's tax-to-GDP ratio is only 7.7%; it must rise to at least 18-20% in the coming years, especially before the nation leaves the Least Developed Country (LDC) category. Import tariffs are now very high due to high import prices and it provides most of the government's current revenue. Direct income tax should be the main source of income, and there are many opportunities to expand both the tax net and the amount of tax collected¹⁹.

To achieve a low-price regime, the interaction between the ultimate buyers and sellers of a product is crucial and the elimination of as many layers of intermediaries as possible is desirable. Bangladesh is generally considered to be a seller's market since producers, collectors, transporters, wholesalers, and retailers determine the ultimate consumer price by adding all their respective costs to come up with the final unit price.

2.2.7 Power to enter, inspect and search

The Competition Commission looks for anti-competitive behaviour, evidence of hoarding of necessities, and an increase in unreasonable prices, and takes appropriate measures. Unfortunately, the commission's involvement in market surveillance is non-existent. The commissioner needs to be more active in inquiring about the increase in prices and if the increase is justified²⁰. The private sector's investment is prohibited in certain sectors, as follows, (i) arms and ammunition, (ii) defence equipment, (iii) forest plantation, (iv) extraction of reserved forests, (v) nuclear energy, (vi) currency printing, and (vii) mining. There is no restriction in general on foreign investment except in sectors controlled by administrative licensing processes. There shall be no nationalization, expropriation, or any comparable actions taken concerning foreign private investment. Except for a public purpose for substantial recompense that will be swiftly paid and freely repatriated, this is the case²¹.

¹⁷<https://www.thedailystar.net/opinion/news/how-bring-price-stability-the-market-1998785>

¹⁸<https://thefinancialexpress.com.bd/views/consumers-rights-protection-in-bangladesh>

¹⁹<https://cpd.org.bd/price-hike-of-essentials-what-can-the-government-do/>

²⁰<https://www.tbsnews.net/features/panorama/tcbs-operation-much-lower-required-level-394418>

²¹[https://uk.practicallaw.thomsonreuters.com/1-504-7011?transitionType=Default&contextData=\(sc.Default\)&firstPage=true](https://uk.practicallaw.thomsonreuters.com/1-504-7011?transitionType=Default&contextData=(sc.Default)&firstPage=true)

2.2.8 Penalties against Hoarding and Black Market

There is also the artificial crisis that is created by a small group of traders. Therefore, the government must ensure adequate supply in the market through procurement from domestic and international sources. The Food and Agriculture Organization (FAO) has predicted that due to uncertain climatic conditions and high input costs and the pandemic, the international food market is likely to remain unstable in 2022. When it comes to commodity imports, the relevant authority is often responsible for importing consumer items. Instead of being involved in imports, it should focus on better distribution of commodities by increasing its organisational capacity. It can also work towards enhanced market monitoring²².

During special events or incidents in Bangladesh, it can be observed that businesses collect profits illegally by utilising various syndicate strategies. To make such kind of profits, sometimes the capitalists create an artificial crisis in the retail market by stocking the goods on a large scale. Consequently, consumers face numerous challenges to meet up their needs. This artificial crisis of goods is not novel, and the people of Bangladesh are living with this dilemma since the inception of the country²³. Food-related issues have always been a key concern for Bangladesh. In 2011, a baseline study by the Bangladesh National Human Rights Commission (BNHRC) was conducted. The public was asked to identify major problems faced by Bangladesh. Eighty per cent of the respondents identified the trend of price hikes in essentials (including food) as the biggest problem. The main reason behind this problem is the illegal hoarding of goods²⁴.

There are some officials in the town, who allegedly illegally stocked up soybean oil at their homes to sell it for more money before Ramadan²⁵. Further, for infractions such as illegal stockpiling and overcharging, mobile courts fined rice millers and traders in five divisions such as Dhaka, Khulna, Chattogram, Rangpur, and Rajshahi, a total of Tk 10.16 lakh²⁶. The implementation of measures against criminality related to violations of consumer rights in Bangladesh is complicated by overlapping legal frameworks. Experts have identified several potential barriers to enforcement, including different laws on the same subject, disparate types of punishment for the same offence under different laws, court fees for filing a lawsuit for compensation, delays in the legal process, investigation procedures handled by the police rather than independent authorities, and a lack of monitoring mechanisms. On the other hand, our nation also has certain contentious and traditional laws in place. The interests of consumers receive little to no protection under these laws because they are so antiquated²⁷.

2.2.9 Public Stockholding (PSH)

The government employs public stockholding (PSH) as a kind of policy tool to ensure a state's food security. Some countries run public stockholding schemes to help those whose lives are spent in poverty and who frequently experience food shortages. A government subsidy is a

²²<https://cpd.org.bd/price-hike-of-essentials-what-can-the-government-do/>

²³<https://www.thedailystar.net/law-our-rights/news/protect-rights-the-consumers-during-pandemic-1907685>

²⁴<https://www.daily-sun.com/post/444148/Of-Illegal-Hoarding-And-Its-Penalty>

²⁵<https://thefinancialexpress.com.bd/national/government-official-held-for-hoarding-512-litres-of-soybean-oil>

²⁶<https://www.thedailystar.net/health/food/price-essentials/news/prices-rice-hike-despite-drives-against-hoarding>

²⁷<https://thefinancialexpress.com.bd/views/consumers-rights-protection-in-bangladesh>

financial contribution made directly or indirectly to a person by the government. According to current regulations, purchasing food from farmers to feed the hungry should receive an effective subsidy of 10%. Previously, affluent countries received a 5% subsidy while poor nations received a 10% subsidy. Public stockholding concerns typically centre on purchasing stock, or food and grains from farmers at a predetermined fixed price. Food grains and other commodities are bought in India at a minimum support price, which is a set price. The WTO's established norms are violated since grains are purchased at a subsidised price, but developing nations request that the WTO not punish them for this norm breach. PSH stands for a long-term answer to the public stockholding programme for food security that the large bulk of developing nations demands.²⁸

The G33 group of nations, which has argued in favour of exempting any help provided under these programs from WTO ceilings, has primarily brought up this problem. India and other developing nations brought their subsidy issue before the WTO at the 9th ministerial conference in Bali in 2013. The WTO then offered the "peace clause," which states that if any developing nation provides more than 10% in subsidies, no other nation is required to demonstrate its obligation. Other ideas failed to gain acceptance because a number of members, both developing and developed, were wary of altering the domestic support disciplines. The "peace clause" had additional requirements to address concerns that stockholding plans involving purchases at supported prices would have an impact on other nations.

The major component of the G-33 proposal is that the acquisition of food stocks by developing nations with the intention of assisting low-income or poor producers should not be included in the calculation of AMS. The majority of LDCs appear to lack the capacity to purchase food at administered prices on a large scale. According to estimates from the OECD-FAO and the Food and Agriculture Organization of the United Nations, prices will likely continue to rise above the levels seen between 1986 and 1988. Fixes might involve reevaluating how eligible production is determined or upgrading the process for determining a fixed external reference price. Transparency is a key component of the AoA, and PSH programs which should be maintained.

2.2.10 Essential Articles and SSNPs

Bangladesh's government provides a social safety net program to safeguard the weak and vulnerable. The government of Bangladesh has also provided different food transfers during the pandemic. The social protection related to essential commodities is called the Open Market Sale (OMS), which was launched in April 2008. The government has launched OMS of different essentials, mainly rice, oil, flour and lentils in different corners of the country. The main problems with the operation lie in the OMS in targeting the appropriate population and corruption. An increase in the budgetary allocation for OMS as well as the whole social protection may minimize the burden of the poor people. But to make the program more effective, proper targeting and monitoring of the system is a must.

²⁸<https://unacademy.com/content/railway-exam/study-material/general-awareness/a-short-note-on-public-stockholding/>

2.3 Changing Nature of the World Trade and Relevance of the Essential Articles (Price control and Anti-Hoarding) Act, 1953

2.3.1 Covid-19 Impact

The ongoing increase in the cost of consumables has made the battle between the underprivileged and low-income groups, which started with the Covid-19 epidemic in early 2020, even more difficult. These people are still having trouble making ends meet because of their tight budgets and the mounting pressure from price increases. Of course, there is also a lot of strain on the world economy. The pandemic has been going on for more than two years, which has caused economies all around the world to slow down and, in some cases, stall. Commodity prices have increased as a result of logistical failures, shipping and airline fees, and port congestion. The economic recovery effort is being hampered by the fact that many people are still having trouble making ends meet. On the other side, prices are rising as nations work to recover from the effects of the pandemic. In light of the economies' decreased capacity to meet demand during the pandemic, this is still the case.²⁹

Since the Covid-19 outbreak began, there has been a steady increase in the price of necessities, placing a heavy burden on low-income and fixed-income individuals, including those who have lost their jobs as a result of the pandemic. Along with the high cost of basic consumables including rice, edible oil, sugar, atta, and red lentils, the price increases for diesel, liquefied petroleum gas, water, and transportation in the previous two years increased people's hardship. Since the country's coronavirus identification in March 2020, the increasing trend in commodities prices commenced, and it has since continued.³⁰

2.3.2 LDC Graduation Challenges

The main objective of these Act is price control and anti-hoarding, so it cannot be expected that this Act addresses the graduation process as the issues it corners with is not related to graduation. However, this Act has certain mechanisms, such as anti-competitive practice, if that is taken into consideration then we can relate this Act to graduation. As the graduation process requires a country to have laws addressing issues such as anti-competitive practices. This Act does not affect the LDC graduation directly in any way but can indirectly.

2.3.3 4th Industrial Revolution

Digital technology also makes it easier for people in both developed and developing nations to access education, offering them the ability to advance their knowledge and skills by participating in distance learning courses. By doing this, it becomes easier for everyone to receive a high-quality education, and it also makes the struggle against discrimination and inequality between nations and socioeconomic classes more successful. Additionally, the enhancement of their skills reinforces their self-confidence and competitiveness in the labour market, aids in their smooth and quick adaptation to new circumstances, provides them with incentives to remain in their home country and work (rather than immigrate), and aids them in effectively resolving their financial issues by increasing their productivity at work. As a result, there is less poverty and hunger since labour pay rises.

²⁹<https://www.thedailystar.net/opinion/macro-mirror/news/inflation-could-dent-covid-recovery-2982251>

³⁰<https://www.newagebd.net/article/162958/price-hike-makes-life-costlier-in-pandemic>

The development of new efficient "smart" cultivation systems that may help people not only to have food for a specific time but also to learn how to easily and effectively cultivate the land to ensure their food forever is another way that technology is supporting the fight against poverty and hunger. The types of drought-resistant fruits and vegetables that may provide food to people living in nations that are severely affected by drought, such as many African nations, also assist in this regard. The technological advancements in recycling for businesses and homes, such as creative composting techniques, may also contribute to the decrease of food waste and further the fight against hunger.³¹

2.3.4 Global Price Hike

Price control is still a contentious issue. Any attempt to use "command and control" tools to maintain the price of gas at the pump, rent for the middle and lower-middle classes, and everyday consumer prices (for food grains, edible oils, sugar, meats, and lentils), may sooner or later come back to haunt the nation. A government cannot regulate the price of goods in the market. However, the government must utilize its power to check necessities, bolster its monitoring units, provide subsidised essentials for customers with lower incomes, and employ "moral suasion" to control dealers. Price regulation is a difficult issue, but there are plenty of other measures the government may use to create price stability.³²

As Bangladesh's low-income and vulnerable population groups struggled to recover from the negative effects of the Covid-19 pandemic, the persistent rise in the cost of necessities has made their situation even worse. Many low-income persons have had to deal with shocks driven by COVID-19 over the past two years, including loss of income and employment possibilities, lower spending on food and other necessities, increased debt burden, dissavings, and distressed asset sales.

The rising cost of essentials can be attributable to several factors. Commodity prices have been creeping up on a worldwide scale due to factors including a mismatch in supply and demand, disruptions in the supply chain caused by things like a lack of shipping containers and vessels, shifts in consumer preferences, and rising energy costs. Additionally, the current war between Russia and Ukraine has made matters worse. From 137.4 in January 2021 to 191.0 in January 2022, the IMF's commodity price index increased. The FAO's food price index reached a record high of 159.3 in March 2022, which represents an enormous gain of 33.6% over the index value that prevailed in March 2021.³³ The cost of necessities is quickly increasing. Since June 2020, Bangladesh has been experiencing this inflationary pressure, which has recently become intolerable for the nation's low and fixed-income groups. The Russia-Ukraine war, which started in February, has added to the burden. As we import these commodities at high rates, the high prices of fuel, edible oil, food, wheat, sugar, intermediate goods and raw materials have been passed on to the Bangladeshi markets.³⁴

³¹<https://www.intechopen.com/chapters/70877>

³²<https://www.thedailystar.net/opinion/open-dialogue/news/price-controls-cant-we-do-anything-else-beat-inflation-3039481>

³³<https://thefinancialexpress.com.bd/views/views/addressing-the-rises-in-the-prices-of-essentials-1649861112>

³⁴<https://www.thedailystar.net/views/opinion/news/price-hike-essentials-what-can-the-government-do-3025636>

2.3.5 The Russia and Ukraine War and its impact on the global economy³⁵

A severe humanitarian crisis is being brought on by the war in Ukraine. Over 13 million people require immediate humanitarian aid, and it is estimated that over 12 million people have been displaced. The economy of Ukraine is in ruins. Population trauma will have long-lasting repercussions. Through a variety of channels, including commodity markets, trade, financial flows, displaced people, and market confidence, the war is having an impact on the entire world. A significant influx of refugees will strain local basic services in the area. The harm to Russia's economy will have an impact on remittance flows to many of its neighbours. Regional growth will be hampered by disruptions to the financial and supply networks in the area as well as by elevated investor risk perceptions.

The war has significantly weakened long-term prospects for the world economy. The primary channel for the initial impact on the world economy was the commodity market. Prices for goods that are provided by Russia and Ukraine, such as energy, wheat, fertilizer, and some metals, have sharply increased. Rising food and energy costs are aggravating poverty and, in some cases, food insecurity in many emerging markets and developing economies (EMDEs), as well as escalating already-growing inflationary pressures. As uncertainty and geopolitical tension have increased, the financial markets have been erratic. Capital outflows and noticeably higher borrowing costs have been observed in numerous EMDEs that import commodities. The expected monetary tightening in advanced economies has also picked up speed, making EMDEs more susceptible to financial stress.

2.4 The Government and the Price Control

There are numerous ways to impose price controls. They might include price floors or ceilings the government implemented on particular goods and services. As a side effect of other policies, price management by the government is another possibility. For example, preferential exchange rates for specific goods and the enactment of non-tariff barriers can all make prices differ substantially from those that would be the norm in a market that is competitive. Price controls on goods are frequently implemented in emerging markets and developing economies (EMDEs) to further social and economic goals. They might be a part of government initiatives to safeguard defenceless consumers, by addressing market imperfections or subsidizing the price of essentials. Or, they might be a part of a strategy to support prices and maintain producers' income levels. As an alternative, they might be employed to smooth prices, notably for important commodities that are highly unpredictable on global markets. This can reduce uncertainty about the real incomes of households and the production costs of businesses.³⁶

2.5 Deviation from the International Practices (By Comparators)

In this chapter, we provided some analysis of the Acts of The Philippines, Pakistan, Kenya and China (comparators countries for providing some takeaways that can be used to guide and incorporate future Act amendments.

³⁵Guenette, J. D., Kenworthy, P. G., & Wheeler, C. M. (2022). Implications of the War in Ukraine for the Global Economy. *EFI Policy Note*;3. Washington, DC: World Bank. © World Bank. <https://openknowledge.worldbank.org/handle/10986/37372> License: CC BY 3.0 IGO."

³⁶ Guenette, J. D. (2020). Price Controls: Good Intentions, Bad Outcomes. *World Bank Policy Research Working Paper*, (9212).

2.5.1 The Philippines

The 'Price Act' of the Philippines was formulated in 1992. The important provisions and takeaway of Bangladesh from the Act are mentioned in the following table.

Table 2 Republic Act No. 7581 (THE PRICE ACT May 27, 1992)

Topic	Highlight	Take Away
Sec. 1. Short Title	In the Philippines, the act is referred to as the "Price Act."	
Sec. 2. Declaration of Basic Policy	<p>It is the policy of the State to ensure the availability of necessities and prime commodities at reasonable prices at all times without denying legitimate businesses a fair return on investment. It is also a declared policy of the State to provide effective and sufficient protection to consumers against hoarding, profiteering and cartels concerning the supply, distribution, marketing and pricing of said goods, especially during periods of calamity, emergency, widespread illegal price manipulation and other similar situations. To these ends, the State shall:</p> <p>(1) Develop, adopt and promulgate measures to promote productivity in necessities and prime commodities;</p> <p>(2) Develop an improved and efficient transport and distribution system; (3) Develop, adopt and promulgate measures to stabilize prices at reasonable levels; (4) Institute appropriate penalties for illegal price manipulation and other violations of this Act; and (5) Establish a mechanism that will readily protect consumers from inadequate supply and unreasonable price increase on occasions of calamities, emergencies and like occurrences.</p>	<ul style="list-style-type: none"> • Clarification and updating the name of the Act in Bangladesh keeping in mind the present context. • Specification of the objectives of formulating the Act. • Ensuring the availability of essential products at a reasonable cost and price.
Sec. 3. Definition of Terms	<p>For purposes of this Act, the term:</p> <p>(1) "Necessities" includes: rice; corn; bread; fresh, dried and canned fish and other marine products, fresh pork, beef and poultry meal; fresh eggs; fresh and processed milk; fresh vegetables; root crops; coffee; sugar; cooking oil; salt; laundry soap; detergents; firewood; charcoal; candles; and drugs classified as essential by the Department of Health;</p> <p>(2) "Butter fund" means a contingent fund in the budget of the implementing agency which shall not be used in its normal or regular operations but only for purposes provided for in this Act;</p> <p>(3) "Implementing agency" means the department, agency or office of the Government which has jurisdiction over a basic necessity or prime commodity as defined in this Act, which shall be:</p> <p>(1) The Department of Agriculture, concerning crops, fish and other marine products, fresh meat, fresh poultry and dairy products, fertilizers, and other farm inputs;</p> <p>(2) The Department of Health, regarding drugs;</p> <p>(3) The Department of Environment and Natural Resources, concerning wood and other forest products; and</p> <p>(4) The Department of Trade and Industry, regarding all other necessities and prime commodities.</p>	<ul style="list-style-type: none"> • Inclusion of definitions of some specific terms such as necessities, butter fund, implementing agency, panic buying, person, prevailing price,

Topic	Highlight	Take Away
	<p>(4) "Panic-buying" is the abnormal phenomenon where consumers buy necessities and prime commodities grossly over their normal requirements resulting in undue shortages of such goods to the prejudice of less privileged consumers;</p> <p>(5) "Person" means a natural person or juridical person;</p> <p>(6) "Prevailing price" means the average price at which any basic necessity has been sold in a given time within a month from the occurrence of any of the conditions enumerated under Section 6 of this Act;</p> <p>(7) "Price ceiling" means the maximum price at which any basic necessity or prime commodity may be sold to the general public; and</p> <p>(8) "Prime commodities" include fresh fruits; flour; dried processed and canned pork; beef and poultry meat; dairy products not falling under necessities; noodles; onions; garlic; vinegar; patis; soy sauce; toilet soap; fertilizer; pesticides; herbicides; poultry; swine and cattle feed; veterinary products for poultry, swine and cattle; paper; school supplies; nipa shingles; sawali; cement; clinker; GI sheets; hollow blocks; plywood; plyboard; construction nails; batteries; electrical supplies; light bulbs; steel wire; and all drugs not classified as essential drugs by the Department of Health.</p>	<p>price ceiling, prime commodities etc.</p> <ul style="list-style-type: none"> • Specification of the implementing authority to maintain the implementation process . • Provison for exclusion of the products that seem no longer viable with the current context.
<p>Sec. 4. Exclusion from the Coverage of this Act</p>	<p>Upon petition of the concerned parties and after a public hearing, the implementing agency, with the approval of the President, may exclude from the coverage of this Act, the types or brands of the goods included in the definition of necessities and prime commodities, which may be deemed as nonessential goods or luxury goods: Provided, That, any type or brand so excluded may be reinstated by the implementing agency during occasions of acute shortage in the supply of the basic necessity or prime commodity to which the excluded type or brand used to belong.</p>	<ul style="list-style-type: none"> • Provisions on the determination of the price ceilings
<p>Sec. 5. Illegal Acts of Price Manipulation</p>	<p>Without prejudice to the provisions of existing laws on goods not covered by this Act, it shall be unlawful for any person habitually engaged in the production, manufacture, importation, storage, transport, distribution, sale or other methods of disposition of goods to engage in the following acts of price manipulation of the price of any basic necessity or prime commodity:</p> <p>(1) Hoarding is the undue accumulation by a person or combination of persons of any basic commodity beyond his or their normal inventory levels or the unreasonable limitation or refusal to dispose of, sell or distribute the stocks of any basic necessity or prime commodity to the general public or the unjustified taking out of any basic necessity or prime commodity from the channels of reproduction, trade, commerce and industry. There shall be prima facie evidence of hoarding when a person has stocks of any basic necessity or prime commodity fifty per cent (50%) higher than his usual inventory and unreasonably limits, refuses or fails to sell the same to the general public at the time of discovery of the excess. The determination of a person's usual inventory shall be reckoned from the third month immediately preceding the discovery of the stocks in case the person has been engaged in the business for at least three (3) months; otherwise, it shall be reckoned from the time he started his business.</p>	<ul style="list-style-type: none"> • Establishment of a price coordinating council • Inclusion of the provision that the implementing agency may suggest to the President the imposition of a price ceiling for the sale of the basic

Topic	Highlight	Take Away
	<p>(2) Profiteering is the sale or offering for sale of any basic necessity or prime commodity at a price grossly more than its true worth. There shall be prima facie evidence of profiteering whenever a basic necessity or prime commodity being sold: (a) has no price tag; (b) is misrepresented as to its weight or measurement; (c) is adulterated or diluted; or (d) whenever a person raises the price of any basic necessity or prime commodity he sells or offers for sale to the general public by more than ten per cent (10%) of its price in the immediately preceding month: Provided, That, in the case of crops, fresh fish, fresh marine products, and other seasonal products covered by this Act and as determined by the implementing agency, the prima facie provisions shall not apply; and</p> <p>(3) Cartel, which is any combination of or agreement between two (2) or more persons engaged in the production, manufacture, processing, storage, supply, distribution, marketing, sale or disposition of any basic necessity or prime commodity designed to artificially and unreasonably increase or manipulate its price. There shall be prima facie evidence of engaging in a cartel whenever two (2) or more persons or business enterprises competing for the same market and dealing in the same basic necessity or prime commodity, perform uniform or complementary acts among themselves which tend to bring about an artificial and unreasonable increase in the price of any basic necessity or prime commodity or when they simultaneously and unreasonably increase prices on their competing products thereby lessening competition among themselves.</p>	<p>necessity at a price other than its prevailing price if the current price of any basic necessity is excessive or unreasonable.</p>
<p>Sec. 6. Automatic Price Control</p>	<p>Unless otherwise declared by the President, prices of necessities in an area shall automatically be frozen at their prevailing prices or placed under automatic price control whenever:</p> <ol style="list-style-type: none"> (1) That area is proclaimed or declared a disaster area or under a state of calamity; (2) That area is declared under an emergency; (3) The privilege of the writ of habeas corpus is suspended in that area; (4) That area is placed under martial law; (5) That area is declared to be in a state of rebellion; or (6) A state of war is declared in that area. <p>If the prevailing price of any basic necessity is excessive or unreasonable, the implementing agency may recommend to the President the imposition of a price ceiling for the sale of the basic necessity at a price other than its prevailing price.</p> <p>Unless sooner lifted by the President, price control of necessities under this section shall remain effective for the duration of the condition that brought it about, but not for more than sixty (60) days. The terms "disaster" and "calamity" shall include those brought about by natural or man-made causes, whether local or foreign.</p>	
<p>Sec. 7. Mandated Price Ceiling</p>	<p>The President, upon the recommendation of the implementing agency, or the Price Coordinating Council, may impose a price ceiling on any basic necessity or prime commodity if any of the following conditions so warrant:</p>	

Topic	Highlight	Take Away
	<ul style="list-style-type: none"> (1) The impendency, existence, or effects of a calamity; (2) The threat, existence, or effect of an emergency; (3) The prevalence of widespread acts of illegal price manipulation; (4) The impendency, existence, or effect of any event that causes an artificial and unreasonable increase in the price of the basic necessity or prime commodity; and (5) Whenever the prevailing price of any basic necessity or prime commodity has risen to unreasonable levels. 	
Sec. 8. Determination of Price Ceilings	<p>In determining the reasonable price ceiling, the following factors may be taken into consideration:</p> <ul style="list-style-type: none"> (1) The average price, in the last three (3) months immediately preceding the proclamation of the price ceiling, of the basic necessity or prime commodity under consideration; (2) The supply available in the market; (3) The cost to the producer, manufacturer, distributor or seller includes but is not limited to: <ul style="list-style-type: none"> (a) The exchange rate of the peso to the foreign currency with which a basic necessity or prime commodity or any component, ingredient or raw material thereof was paid for; (b) Any change in the amortization cost of machinery brought about by any change in the exchange rate of the peso to the foreign currency with which the machinery was bought through credit facilities; (c) Any change in the cost of labour brought about by a change in the minimum wage; and (d) Any increase in the cost of transporting or distributing the basic necessity or prime commodity to the area of destination. (4) Such other factors or conditions will aid in arriving at a just and reasonable price ceiling. 	
Sec. 9. Allocation of a Buffer Fund to the Implementing Agency	<p>The implementing agency may procure, purchase, import, or stockpile any basic necessity or prime commodity, and devise ways and means of distributing them for sale at reasonable prices in areas where there is a shortage of supply or a need to effect changes in its prevailing price. For any or all of these purposes, a buffer fund shall be allocated in the annual appropriations of the implementing agencies.</p>	
Sec. 10. Powers and Responsibilities of Implementing Agencies	<p>To carry out the intents and purposes of this Act, the head of the implementing agency shall have the following additional powers and responsibilities:</p> <ul style="list-style-type: none"> (1) He shall, with the approval of the President, promulgate rules, regulations, and procedures for the implementation of this Act; (2) He shall develop, promulgate and implement programs, projects or measures to promote productivity in all necessities and prime commodities under his agency's jurisdiction; (3) He shall promote and facilitate the establishment of effective procurement, storage, marketing and distribution system of necessities and prime commodities to ensure their availability in all areas of the country where they are needed; 	

Topic	Highlight	Take Away
	<p>(4) During instances of panic-buying, he may, with the approval of the President, institute temporary measures to ensure orderly and equitable distribution to consumers of necessities and prime commodities in the affected area;</p> <p>(5) From time to time, he may issue suggested reasonable retail prices for any or all necessities and prime commodities under his jurisdiction for the information and guidance of producers, manufacturers, traders, dealers, sellers, retailers, and consumers;</p> <p>(6) He shall cause the immediate dissemination of any mandated price ceiling for any basic necessity or prime commodity under his agency's jurisdiction through publication in a newspaper of general circulation in the area affected, and through broadcast by radio, or whenever deemed to materially make the dissemination of the information more effective, by television. He may also cause the information to be disseminated through posting in public markets, supermarkets or other public places;</p> <p>(7) He may, upon approval of the President, and subject to existing laws, rules and regulations on bidding, enter into any agreement with any local or foreign producer, manufacturer, supplier, distributor, or seller for the procurement of supplies of stocks of any basic necessity or prime commodity for purposes of buffer stocking: Provided, That, in areas where there are shortages or rampant illegal manipulation of prices, he may order their immediate sale;</p> <p>(8) He may, subject to existing laws, rules and regulations on bidding, enters into any agreement with owners or operators of warehouses or storage houses or with owners, operators of franchise holders of vehicles or public utilities for the storage, transport, or distribution of any basic necessity or prime commodity;</p> <p>(9) He may conduct investigations of any violation of this Act and, after due notice and hearing, impose administrative fines in such amount as he may deem reasonable which shall in no case be less than One thousand pesos (P1,0000) nor more than One million pesos (P1,000,000). In the imposition of administrative fines, the following factors shall be taken into consideration:</p> <ul style="list-style-type: none"> (a) Whether the subject of the violation is a basic necessity or a prime commodity; violations involving necessities shall be deemed more serious; (b) Whether the subject of the violation is under price control under Sections 6 and 7 of this Act; violations involving necessities and prime commodities under price control shall be deemed more serious; (c) The number of violations committed; respondents who had previously been found to have violated any of the provisions of this Act shall be imposed a higher fine; and (d) Such other considerations may be deemed necessary to carry out the intended purposes and provisions of this Act. 	

Topic	Highlight	Take Away
	<p>(10) He may require the attendance and testimony of witnesses or the production of goods, objects, books, papers, documents, contracts, records, financial statements, accounts, agreements and such other evidence material in the determination of any violation of this Act;</p> <p>(11) Without prejudice to the power to issue temporary closure or temporary restraining order for a period which shall not be more than ten (10) days, he may, after due notice and hearing issue cease and desist orders; reprimand; censure; suspend, revoke or cancel any permit, license, authority or registration issued by his office; or order the permanent closure of any establishment violating the provisions of this Act;</p> <p>(12) He may initiate summary proceedings to cause the seizure by the Government of necessities and prime commodities subject to a violation of this Act and order their sale to the public at reasonable prices whenever the nature of or the demand for such goods so requires: Provided, That, pending litigation, the proceeds of the sale shall be held in trust or escrow by the implementing agency: Provided, further, That, should the owner of the basic necessity or prime commodity seized and sold be found not liable for the violation which was the basis of the seizure, the proceeds from their sale shall be paid to him, otherwise, they shall accrue to the general fund of the Government and: Provided, finally, That, the head of the implementing agency shall cause the broadcast in radio or television and the publication in at least two (2) newspapers of the general circulation of the fact of sale or disposition of such seized goods at least three (3) days before the date of sale or disposition;</p> <p>(13) He may initiate action and cause the prosecution before the proper court of law for violations of this Act;</p> <p>(14) He may deputize and enlist the assistance of any government official or agency in carrying out the provisions of this Act; and</p> <p>(15) Such other functions and ancillary powers may be necessary to effectively implement this Act.</p>	
<p>Sec. 11. Price Coordinating Council</p>	<p>There is hereby created a Price Coordinating Council, hereinafter referred to as the Council, to be composed of the following members:</p> <ol style="list-style-type: none"> (1) The Secretary of Trade and Industry, as Chairman; (2) The Secretary of Agriculture; (3) The Secretary of Health; (4) The Secretary of Environment and Natural Resources; (5) The Secretary of Local Government; (6) The Secretary of Transportation and Communications; (7) The Secretary of Justice; (8) The Director-General of the National Economic and Development Authority; (9) One (1) representative from the consumers' sector; 	

Topic	Highlight	Take Away
	<p>(10) One (1) representative from the agricultural producers' sector; (11) One (1) representative from the trading sector; and (12) One (1) representative from the manufacturers' sector</p> <p>The sectoral representatives of the Price Coordinating Council shall be appointed by the President for a term of one (1) year, without prejudice to reappointment for another term.</p> <p>The Council shall meet every quarter and whenever the President or the Chairman shall convene the same. Each member shall receive reasonable reimbursements for transportation.</p> <p>Members from the government sector may designate their representative to the Council; The Department of Trade and Industry shall provide the secretariat to the Council from its existing organizational structure.</p>	
<p>Sec. 12. Functions of the Price Coordinating Council</p>	<p>The Price Coordinating Council shall have the following functions:</p> <ol style="list-style-type: none"> (1) It shall coordinate the productivity, distribution and price stabilization programs, projects and measures of the Government and develop comprehensive strategies to effect a general stabilization of prices of necessities and prime commodities at affordable levels; (2) It shall report to the President and the Congress of the Philippines on the status and progress of the programs, projects, and measures undertaken by each implementing department, agency or office as well as the comprehensive strategies developed by the Council to stabilize the prices of necessities and prime commodities; (3) It shall advise the President on general policy matters for promotion and improvement in productivity, distribution and stabilization of prices of necessities and prime commodities; (4) It may require from its members or any other government agency such information as it may deem necessary, and conduct public hearings for purposes of assessing the supply, distribution and price situation of any basic necessity or prime commodity; (5) It shall publicize from time to time developments in productivity, supply, distribution and prices of necessities and prime commodities; and (6) Whenever automatic price control of necessities is imposed under Section 6 of this Act, it shall cause the immediate dissemination of their prevailing prices or the price ceilings imposed in lieu thereof, as the case may be, through publication in a newspaper of general circulation in the area affected, and through broadcast by radio and, whenever the same is deemed to materially make the dissemination of the information more effective, by television. It may also disseminate the information through posting in public markets, supermarkets and other public places. 	
<p>Sec. 13. The Price Action Officer Powers and Functions</p>	<p>Whenever the President deems it necessary, he may appoint any of the members of the Price Coordinating Council as Price Action Officer for the duration of the automatic price control under Section 6 of this Act who shall have the following powers and functions:</p> <ol style="list-style-type: none"> (1) He shall carry out, implement and enforce the policies and decisions of the Council; 	

Topic	Highlight	Take Away
	<p>(2) He shall coordinate the actions of all implementing agencies involved in the monitoring and investigation of abnormal price movements and shortages of necessities and prime commodities;</p> <p>(3) He may call upon any official, agent, employee, agency or instrumentality of the national or local government for any other assistance that he may deem necessary to carry out the purposes of this Act;</p> <p>(4) He shall establish linkage and coordinate with nongovernment or private organizations in the affected area to assist in the monitoring and implementation of price control therein; and</p> <p>(5) He shall exercise such other functions and duties as may be given to him by the President.</p>	
<p>Sec. 14. Role of the National Statistics Office</p>	<p>The National Statistics Office shall conduct independent periodic surveys and studies of the selling prices of all necessities and prime commodities all over the country as well as their share or effect on the family income of the different economic groups in the country for purposes of serving as the database for government efforts to stabilize prices, as well as evaluating the effectivity of the same.</p>	
<p>Sec. 15. Penalty for Acts of Illegal Price Manipulation</p>	<p>Any person who commits any act of illegal price manipulation of any basic necessity or prime commodity under Section 5 hereof shall suffer the penalty of imprisonment for not less than five (5) years nor more than Fifteen (15) years and shall be imposed a fine of not less than Five thousand pesos (P5,000) nor more than Two million pesos (P2,000,000).</p>	
<p>Sec. 16. Penalty for Violation of Price Ceiling</p>	<p>Any person who violates Section 6 or 7 of this Act shall suffer the penalty of imprisonment for not less than one (1) year nor more than ten (10) years of a fine of not less than Five thousand pesos (P5,000) nor more than One million pesos (P1,000,000), or both, at the discretion of the court.</p>	
<p>Sec. 17. Violation by Juridical Persons</p>	<p>Whenever any violation of the provisions of this Act is committed by juridical persons, its officials or employees, or in the case of a foreign corporation or association, its agent or representative in the Philippines who are responsible for the violation shall be held liable therefore.</p>	
<p>Sec. 18. Violation by Aliens</p>	<p>In the case of aliens, in addition to the penalty provided in Section 15 or 16 of this Act, the offender shall, upon conviction and after service of sentence, be immediately deported without the need for any further proceedings.</p>	
<p>Sec. 19. Violation by Government Officials or Employees</p>	<p>Any public official or employee who, because of his office, with or without consideration, conspires in the commission or knowingly conceals violations of any of the provisions of this Act shall likewise be principally responsible for the violation and shall suffer the additional penalty of permanent disqualification to hold public office.</p>	
<p>Sec. 20. Criminal Penalties Without Prejudice to Administrative Sanctions</p>	<p>The foregoing criminal penalties shall be without prejudice to the administrative sanctions that the implementing agency may impose under this Act or any other law.</p>	
<p>Sec. 21. Relations of the Price Act to Other Laws, Presidential Issuances</p>	<p>Nothing in this Act shall be constructed as removing or diminishing the jurisdiction of any agency of Government on certain goods or products conferred by other laws or presidential issuances.</p>	

Topic	Highlight	Take Away
Sec. 22. Separability Clause.	If for any reason, any provision of this Act or the application of such provision to any person group or circumstance is declared invalid or unconstitutional, the remainder of this Act shall not be affected by such declaration	
Sec. 23. Repealing Clause	To the extent inconsistent with this Act, the following laws and letters of instruction are hereby repealed: (1) Republic Act No. 4164, entitled "An Act to Prevent the Excessive Increase in the Price of Certain Prime Necessities of life on the Occasion of a Public Calamity, Penalizing the Violation Thereof, and for Other Purposes." (2) Presidential Decree No. 1674, entitled "Providing a Mechanism for Price Regulation, Creating a Price Stabilization Council, Prescribing its Powers and Responsibilities and for other purposes; (3) Letter of Instruction No. 1305, entitled "Directing Measures to Prevent Cement Hoarding, Price Manipulation and Profiteering." (4) Letter on Instruction No. 1342, entitled "Ordering Immediate Measures to Prevent Price Manipulation and to Protect Consumers; and (5) Letter of Instruction No. 1359, entitled "Directing Measures to Prevent Hoarding, Profiteering and Price Manipulation. All laws rules and regulations inconsistent herewith are hereby likewise repealed or modified accordingly.	
Sec. 24. Effectivity Clause	This Act shall take effect three (3) days after its publication in two (2) national newspapers of general circulation.	

Source: Compiled by authors from various sources

2.5.2 Pakistan

Table 3 Price Control Prevention of Profiteering and Hoarding Act, 1977³⁷

Topic	Highlight	Take Away
Short title, extent and commencement	<ul style="list-style-type: none"> The name of the Act that prevailed in Pakistan is the Price Control and Prevention of Profiteering and Hoarding Act, 1977. 	<ul style="list-style-type: none"> Changing and updating the name of the Act
Definitions	In this Act, unless there is anything repugnant in the subject or context,- (a) "Controller-General" means the Controller-General of Prices and Supplies appointed by the Federal Government, and includes any Deputy or Assistant Controller-General of Prices and Supplies so	

³⁷ <https://balochistan.gov.pk/wp-content/uploads/2019/07/THE-PRICE-CONTROL-AND-PREVENTION-OF-PROFITEERING-AND-HOARDING-ACT-1977.doc-1.pdf>

Topic	Highlight	Take Away
	<p>appointed, and any other officer authorized by the Federal Government to exercise all or any of the powers of the Controller-General under this Act;</p> <p>(b) (a) "dealer" denotes a person who sells any essential product, whether wholesale or retail, whether in connection with another firm or not.</p> <p>(c) "essential commodity" means any of the commodities or classes of commodities mentioned in the Schedule;</p> <p>(d) "importer" means a person importing into Pakistan, whether under an import licence granted by the Federal Government or otherwise, any Essential commodity from outside Pakistan, but does not include a person importing any essential commodity as part of his baggage;</p> <p>(e) "notified order" means an order notified in the Official Gazette;</p> <p>(f) "producer" means a person engaged in the manufacture or production of any essential commodity.</p>	<ul style="list-style-type: none"> • Inclusion of several definitions such as controller, dealer, essential commodity, notified order, producer, importer and so on. • Specification and modification of the penalty provisions in line with the present context.
<p>Powers to make orders, etc.</p>	<p>(1) To ensure equitable distribution and fair prices for an essential commodity, the Federal Government may, by notified order, regulate the prices, production, movement, transport, supply, distribution, disposal, and sale of the essential commodity, as well as the price to be charged or paid for it at any stage of the transaction.</p> <p>(2) Without prejudice to the generality of the powers conferred by subsection (1), an order made thereunder may provide-</p> <p>(a) for controlling the prices at which any essential commodity may be bought or sold in any area;</p> <p>(b) for regulating the production, treatment and keeping of any essential commodity;</p> <p>(c) for regulating, by licences, permits or otherwise, the transport, movement and distribution between the Provinces of an essential commodity;</p> <p>(d) for prohibiting the withholding of sale of an essential commodity ordinarily kept for sale;</p> <p>(e) for requiring any person holding stock in a Province of an essential commodity to sell in another Province the whole or a specified part of the stock at such price, to such persons or class of persons and under such conditions as may be specified in the order;</p> <p>(f) for fixing the maximum quantity of any essential commodity which may at any time be possessed by a producer or dealer;</p> <p>(g) for collecting any information or statistics to regulate or prohibit any of the matters aforesaid;</p> <p>(h) for requiring persons engaged in any of the matters aforesaid in respect of any essential commodity 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;</p> <p>(i) for requiring every importer, producer and dealer to mark the essential commodities with the sale prices and to exhibit on his premises a price list of the essential commodities held by him for sale; and</p>	<ul style="list-style-type: none"> • Inclusion of the provision that the Government may amend the schedule by publishing a notice in the Official Gazette to add or remove any commodity or class of commodities. • Addition of provisions regarding the equitable distribution and fair prices of the essential commodities • Inclusion of provision for determining the maximum quantity of any essential commodity that a producer or dealer may possess at any time

Topic	Highlight	Take Away
	(j) for any incidental and supplementary matters, including, in particular, the entering and searching of premises, vehicles, vessels, and aircraft, the seizure of any articles in respect of which such person 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 granting or issuing of licences, permits, or other documents, and the charging of fees.	<ul style="list-style-type: none"> • Specification of the provision for requiring every importer, producer, and dealer to mark essential commodities with sale prices and to display a price list of the essential commodities held by him for sale on his premises.
Delegation of powers	<p>By notified order, the Federal Government may direct that any power conferred on it by or under this Act shall concern such matters and, subject to such conditions, if any, as may be specified in the direction, be exercisable also by-</p> <p>(a) such officer or authority subordinate to the Federal Government, or</p> <p>(b) Such Provincial Government or such officer or authority subordinate to a Provincial Government as may be specified in the direction.</p>	
Effect of orders inconsistent with other enactments	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 under any enactment other than this Act.	
Fixation of prices	<p>(1) Subject to such general or special orders as may be made by the Federal Government under section 3, the Controller. General may, by .notification in the official Gazette, fix specific maximum prices of essential commodities and different prices may be fixed for different localities or different classes or categories of any essential commodities.</p> <p>(2) No person shall sell or re-sell any essential commodity at a price higher than the maximum price so fixed.</p> <p>(2A) Every Dealer, importer or producer of an essential commodity the maximum price of which s not for the time being. Fixed by a notification issued under sub-section (1) shall if so required by the Controller General by an order in writing or by a notified order, informed the Controller General by notice in writing forwarded to him by registered post acknowledgement due to his intention to raise the price of the essential commodity and shall not raise the price –</p> <p>(a) Before the expiration of 30 days from the day on which the notice is received by the Controller General; or</p> <p>(b) At any time thereafter, if, within the said period, the Controller General communicates to him an objection to the price being raised.</p> <p>(2B) A notice under sub-section (2A) shall specify the amount by which the price of the essential commodity is proposed to be raised and the reasons, therefore, shall be companied by the latest annual audited accounts of the dealers, importers or producer.</p> <p>(3) Every dealer, importer, or producer shall supply to the Controller-General such information regarding the production, importation, purchase, stock, sale or distribution of any of the essential commodities as the Controller-General may, by an order in writing or by a notified order, require.</p>	

Topic	Highlight	Take Away
Penalties	<p>(1) Any person who contravenes any order made under section 3 or notification issued, or order made under section 6 shall be punishable with imprisonment for a term which may extend to three years and with a fine which may extend to one lac rupees; Provided that, if a person convicted for an offence punishable under this subsection is again convicted for such offence, the term of imprisonment awarded to him shall not be less than one year.</p> <p>(2) If the order made under section 3 so provides, any Court trying any contravention of such order may direct that any property in respect of which the Court is satisfied that the order has been contravened shall be forfeited by the Federal Government.</p>	
Attempts and abetments	<p>Any person who attempts to contravene, or abets a contravention of, any order made under section 3 shall be deemed to have contravened the order; Provided that a person who buys an essential commodity for his consumption or use and not for sale not be deemed to have abetted the contravention of an order controlling the price at which the essential commodity may be sold.</p>	
Offences by corporations	<p>If the person contravening an order made under section 3 is a company or other body corporate or a partnership or other body of individuals, every director, manager, secretary, member 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.</p>	
False Statement	<p>If any person—</p> <ul style="list-style-type: none"> (i) when required by an order made under section 3 to make a statement or furnish any information makes any statement or furnishes any statement 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 statement as aforesaid in any book, account, record, declaration, return or other documents which he is required by any such order to maintain furnish, he shall be punishable with imprisonment for a term which may extend to three years or with fine, or with both. 	
Power to try offences summarily	<p>Offences punishable under this Act shall be tried by a Magistrate of the First Class who may, if so empowered, try the same in the manner provided in sections 262 to 265 of the Code of Criminal Procedure, 1898 (Act v of 1898).</p>	
Power to amend Schedule	<p>The Federal Government may amend the schedule by publishing a notice in the Official Gazette to add or remove any commodity or class of commodities.</p>	
Presumption as to order	<ul style="list-style-type: none"> (1) No order made by any authority other than a Court in the exercise of any power conferred by or under this Act shall be called into question in any Court. (2) Where an order purports to have been made and signed by an authority in the exercise of any power conferred by or under this Act, a Court shall, within the meaning of the Evidence Act, 1872 (1 of 1872), presume that such order was so made by that authority. 	

Topic	Highlight	Take Away
The burden of proof in certain cases	Where any person is prosecuted for contravening any order made under section 3 which prohibits him from doing an act or having a thing without lawful authority or without a permit, licence or other documents, the burden of proving that he has such authority, permit, licence or other documents shall be on him.	
Protection of action taken under the Act	<p>(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 section 3.</p> <p>(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 section 3.</p>	
Repeal	<p>The Essential Commodities Act, 1957 is hereby repealed.</p> <p>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 of all sorts. 12. Fish of all sorts. 13. Beef. 14. Mutton. 15. Eggs. 16. Gur. 17. Spices and vegetables. 18. Red Chilies. 19. Drugs and Medicines. 20. Kerosene Oil. 21. Charcoal. 22. Firewood. 23. Matches 40/50 sticks. 24. Coal. 25. Chemical Fertilizers are all sorts 26. Poultry Food. 27. Bricks. 28. Cement. 29. Putti (seed cotton). 30. Cotton (Lint). 31. Cotton Seed of all sorts. 32. Wool, shoddy or raw. 33. Caustic Soda. 34. Soda Ash. 35. Paddy. 36. Ice. 37. Pesticides. 38. Meat on Hoof</p> <p>The Officers specified below are authorized to exercise the power of the Controller General of prices and supplies under clause a subsection (2) of section 3 of said Act, in so far as these relate to items mentioned at serial numbers 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,21,22,23,24,25,26 & 27, of the schedule to that Act, and under clauses (d), (f), (g) and (l) of the said sub-section 2 in respect of all items mentioned in that schedule, namely:-</p> <ol style="list-style-type: none"> 1. Secretary Industries Department, Government of (i) Punjab, (ii) Sindh, (iii) Baluchistan and North-West Frontier Province. 2. Director of Industries, Government of (i) the Punjab, (ii) Sindh, (iii) Baluchistan and North-West Frontier Province. 3. All District Coordination Officers. 	

Source: Compiled by authors

2.5.3 Kenya

Table 4 Price Control (Essential Goods) Act (Kenya)

Topic	Highlight	Take Away
1. Short title	This Act may be cited as the Price Control (Essential Goods) Act	<ul style="list-style-type: none"> • Updating the name of the Act • Modification of the list of essential commodities from time to time • Inclusion of fine violation of the provision
2. Declaration of essential commodities	<p>(1) The Minister may, from time to time, by order in the <i>Gazette</i>, declare any goods to be essential commodities for this Act and determine the maximum prices of the commodities in consultation with the industry.</p> <p>(2) In making a declaration under subsection (1), the Minister shall take into account any relevant treaty or convention ratified by Kenya.</p>	
3. Content of order under section 2	An order made under section 2 may contain the maximum price taking into account related costs of essential commodities in any area in Kenya.	
4. Commencement of orders	Every order made under this Act shall come into operation on the day on which it is made unless another date is specified, and every such order shall be published in the <i>Gazette</i> .	
5. Offences and penalties	<p>(1) A person who sells any commodity declared under section 2 above the maximum price commits an offence.</p> <p>(2) A person who purchases or offers to purchase any commodity declared under section 2 above the maximum price, commits an offence.</p> <p>(3) A person who contravenes the provisions of this Act commits an offence and is liable on conviction to a fine not exceeding one million shillings or to imprisonment for a term not exceeding five years or to both.</p>	
6. Regulations	The Minister may make Regulations for the better carrying out of the intent and purposes of this Act.	

Source: Compiled by authors

2.5.4 Pricing Law of the People's Republic of China³⁸

Table 5 Pricing Law of the People's Republic of China

Topic	Highlight	Take Away
<p>General Provisions</p>	<p>Article 1 This Law is enacted to standardize pricing, give play to the role of pricing in rationally allocating resources, stabilize the general level of market price, protect the lawful rights and interests of consumers and managers and promote the sound development of a socialist market economy.</p> <p>Pricing as mentioned in this Law covers commodity prices and service prices.</p> <p>Commodity prices refer to the prices of the various types of tangible products and intangible assets.</p> <p>Service prices refer to the fees charged for the various types of paid services.</p> <p>Article 3 The State institutes and gradually improves a mechanism under which prices are formed mainly by the market under macroeconomic control. Prices shall be set in compliance with the law of value, the prices of most commodities and services shall be regulated by the market and the prices of a very small number of commodities and services shall be guided or fixed by the government.</p> <p>The prices regulated by the market refer to the prices set by the manager on his own and formed through market competition.</p> <p>The managers as mentioned in this Law refer to the legal persons, other organizations and individuals engaging in production, dealing in commodities or providing paid services.</p> <p>Prices guided by the government refer to the prices set by managers under the guidance of the government departments in charge of pricing or other relevant departments that, following the provisions of this Law, shall decide on the standard prices and their floating ranges within the limits of their powers for pricing and the scope of applicable commodities and services.</p> <p>Prices fixed by the government refer to the prices set by the government departments in charge of pricing and other relevant departments following the provisions of this Law and within the limits of their powers for pricing and the scope of applicable commodities and services.</p>	<ul style="list-style-type: none"> • Inclusion of provision on Commodity prices which refer to the prices of the various types of tangible products and intangible assets. • Inclusion of the provision on the support and promotion of fair, open and lawful market competition, maintains normal order of pricing and exercises administration, supervision and necessary control over pricing by the government. • Following the principles of fairness, lawfulness and good faith in fixing prices. • In selling or purchasing commodities and providing services, as

³⁸http://english.www.gov.cn/services/doingbusiness/202102/24/content_WS6035f101c6d0719374af97b2.html#:~:text=Article%201%20This%20Law%20is,of%20a%20socialist%20market%20economy.

Topic	Highlight	Take Away
	<p>Article 4 The State supports and promotes fair, open and lawful market competition, maintains normal order of pricing and exercises administration, supervision and necessary control over pricing.</p> <p>Article 5 The competent department for pricing under the State Council shall hold unified responsibility for the work of pricing throughout the country. The other relevant departments under the State Council shall, within the scope of their functions and duties, be responsible for the work respectively.</p> <p>The competent departments for pricing under the local people’s governments at or above the county level shall be responsible for the work of pricing within their administrative regions. The other relevant departments of the said people’s governments shall, within the scope of their functions and duties, be responsible for the work respectively.</p>	<p>required by the government departments in charge of pricing, marking the prices and indicating the name, origin of production,</p> <ul style="list-style-type: none"> • Specifications, grade, valuation unit and price of a commodity or service item, charging standards and other related particulars.
<p>Pricing by the Manager</p>	<p>Article 6 Commodity prices and service prices, except for those whose prices shall be guided or fixed by the government under Article 18 of this Law, shall be regulated by the market, that is, fixed by the manager on his own following this Law.</p> <p>Article 7 The manager shall follow the principles of fairness, lawfulness and good faith in fixing prices.</p> <p>Article 8 Production and management cost and the market supply-and-demand situation constitute the basis for the manager to fix prices.</p> <p>Article 9 The manager shall work hard to improve production and management, reduce production and management costs, provide consumers with commodities and services at reasonable prices, and reap lawful profits through market competition.</p> <p>Article 10 The manager shall establish and perfect the internal price management system in light of his operational conditions, and accurately record and verify the production and management cost of commodities and services; he may not resort to deceit.</p> <p>Article 11 The manager shall enjoy the following rights in pricing:</p> <p>(1) to fix his prices that are regulated by the market;</p> <p>(2) to fix prices within the range stipulated by the government for its guidance prices;</p> <p>(3) to set prices for trial sales of new products coming within the scope of products whose prices are guided or fixed by the government, except for specially designated products; and</p>	<ul style="list-style-type: none"> • Inclusion of a provision that Consumers and managers can propose changes to government guidance prices and government fixed prices.

Topic	Highlight	Take Away
	<p>(4) to inform against or accuse infringements on his right to fix prices on his own according to law.</p> <p>Article 12 In pricing, the manager shall abide by laws and regulations, accept the prices guided or fixed by the government according to law and carry out the statutory intervention and emergency measures regarding prices.</p> <p>Article 13 In selling or purchasing commodities and providing services, the manager shall, as required by the government departments in charge of pricing, clearly mark the prices and indicate the name, origin of production, specifications, grade, valuation unit and price of a commodity or service item, charging standards and other related particulars.</p> <p>The manager may not sell commodities at a premium or charge any fees that are not indicated.</p> <p>Article 14 The manager may not commit any of the following illegitimate acts in pricing:</p> <p>(1) colluding with others to manipulate the market price, thus harming the lawful rights and interests of other managers or consumers;</p> <p>(2) besides disposing of perishable, seasonal and overstocked commodities at reduced prices according to law, dumping commodities at prices lower than production cost to drive out rivals or monopolize the market, thus disrupting normal production and operational order and impairing the interests of the State or the lawful rights and interests of other managers;</p> <p>(3) fabricating and spreading information about price hikes and forcing up prices, thus stimulating excessive commodity price hikes;</p> <p>(4) using false or misleading prices to deceive consumers or other managers into transacting a deal with him;</p> <p>(5) while providing the same commodities or services, employing price discrimination against other managers with equal transaction conditions;</p> <p>(6) forcing up or forcing down prices in disguised form by raising or lowering grades when purchasing or selling commodities or providing services;</p> <p>(7) making exorbitant profits in violation of the provisions of laws and regulations; or</p>	

Topic	Highlight	Take Away
	<p>(8) other illegitimate acts in pricing are prohibited by laws and administrative rules and regulations.</p> <p>Article 15 The various types of intermediate organizations shall abide by the provisions of this Law in collecting charges for the paid services they provide unless otherwise provided in-laws.</p> <p>Article 16 In selling imported commodities and purchasing export commodities, the manager shall observe the relevant provisions in this Chapter to help maintain domestic market order.</p> <p>Article 17 Organizations of different trades shall abide by laws and regulations concerning prices, enhance self-discipline concerning prices and accept guidance from the government departments in charge of pricing.</p>	
<p>Pricing by the Government</p>	<p>Article 18 When necessary, the government may guide or fix the prices for the following commodities and services:</p> <p>(1) a very small number of commodities that have a vital bearing on the development of the national economy and the well-being of the people;</p> <p>(2) a small number of commodities for which resources are scarce;</p> <p>(3) commodities placed under natural monopoly;</p> <p>(4) important public utilities; and</p> <p>(5) important public welfare services.</p> <p>Article 19 The limits of powers and the scope of applicable commodities and services for governments to guide or fix prices shall be based on the central and local pricing catalogues.</p> <p>The central pricing catalogue shall be compiled and revised by the competent department for pricing under the State Council and published upon approval of the State Council.</p> <p>The local pricing catalogues shall be compiled by the competent departments for pricing under the people's governments of provinces, autonomous regions and municipalities directly under the Central Government within the limits of their powers for pricing and the scope of applicable commodities and services defined in the central pricing catalogue, which, after being examined and approved by the said people's governments, shall be submitted to the competent department for pricing under the State Council for examination and approval before being published.</p>	

Topic	Highlight	Take Away
	<p>No local people’s governments at levels below the people’s governments of provinces, autonomous regions and municipalities directly under the Central Government may compile pricing catalogues.</p> <p>Article 20 The competent department for pricing and other relevant departments under the State Council shall set government guidance prices and government fixed prices within the limits of their powers for pricing and the scope of applicable commodities and services defined in the central pricing catalogue; among the government guidance prices and government fixed prices, those for important commodities and services shall be set with the approval of the State Council, as required by the regulations.</p> <p>The competent departments for pricing and other relevant departments under the people’s governments of provinces, autonomous regions and municipalities directly under the Central Government shall set government guidance prices and government fixed prices for their regions within the limits of their powers for pricing and the scope of applicable commodities and services defined in the local pricing catalogues.</p> <p>The people’s governments of cities and counties may, as authorized by the people’s governments of provinces, autonomous regions and municipalities directly under the Central Government, set government guidance prices and government fixed prices for their regions within the limits of their powers for pricing and the scope of applicable commodities and services defined in the local pricing catalogues.</p> <p>Article 21 Government guidance prices and government fixed prices shall be set based on the average cost of relevant commodities or services, the market supply and demand situation, the requirements of the national economic and social development and tolerance of the community and within a reasonable price disparity between purchase and sale, between wholesale and retail sale, between regions and between seasons.</p> <p>Article 22 Before setting government guidance prices and government fixed prices, the government departments in charge of pricing and other relevant departments shall investigate prices and costs and listen to the suggestions of consumers, managers and other parties concerned.</p> <p>When the government departments in charge of pricing are investigating prices and costs before setting government guidance prices and government fixed prices, the units concerned shall truthfully report the situation and provide the necessary account books, documents and other material.</p> <p>Article 23 For the setting of government guidance prices and government fixed prices for public utilities, public welfare services and commodities under natural monopoly that have a bearing on the immediate interests of the masses, a system for evidentiary hearing shall be established which shall be presided over by the government departments in</p>	

Topic	Highlight	Take Away
	<p>charge of pricing and at which suggestions of consumers, managers and the other parties concerned shall be solicited and expounded as to their necessity and feasibility.</p> <p>Article 24 The government guidance prices and government fixed prices, after being set, shall be made known to the consumers and managers by the department that sets the prices.</p> <p>Article 25 The scope of applicable commodities and services under government guidance prices and government fixed prices and the price level shall be readjusted at the right moment based on the economic mechanism, within the limits of powers for pricing and under the procedures specified.</p> <p>Consumers and managers may make proposals for the readjustment of government guidance prices and government fixed prices.</p>	
<p>Control of the General Price Level</p>	<p>Article 26 Stabilizing the general level of market prices is an important goal for the State's macro-economic policy. Based on the need for the development of the national economy and tolerance of the community, the State sets the target of control over the general level of market prices, incorporates it into the plan for national economic and social development and has it achieved by comprehensively applying policies and measures concerning currency, finance, investment and import and export.</p> <p>Article 27 The government may establish a system for reserving important commodities and set up a price regulating fund to control prices and stabilize the market.</p> <p>Article 28 To meet the needs of price regulation and control, the government departments in charge of pricing shall establish a system for monitoring prices to monitor changes in the prices of important commodities and services.</p> <p>Article 29 When the market purchasing prices for grain and other important farm products set by the government are too low, the government may assign protective prices and take appropriate economic measures to ensure the adoption of such prices.</p> <p>Article 30 When the prices of important commodities and services rise noticeably or are likely to do so, the State Council or the people's governments of provinces, autonomous regions and municipalities directly under the Central Government may adopt intervention measures for some of the commodities and services, such as setting the price differential rates or profit rates and ceiling prices, introducing the markup declaration system and the system for putting readjusted prices on record.</p>	

Topic	Highlight	Take Away
	<p>When adopting the intervention measures provided for in the preceding paragraph, the people’s governments of provinces, autonomous regions and municipalities directly under the Central Government shall report the matter to the State Council for the record.</p> <p>Article 31 When anomalous situations such as violent fluctuation arise in the general level of market prices, the State Council may adopt emergency measures nationwide or in some regions to temporarily centralise the price-fixing powers and freeze part or all of the prices.</p> <p>Article 32 When the situations under which intervention measures and emergency measures need to be adopted by the provisions of Articles 30 and 31 of this Law ease, such measures shall immediately be relinquished.</p>	
<p>Supervision over and Inspection of Pricing</p>	<p>Article 33 The competent departments for pricing under the people’s governments at or above the county level shall supervise and inspect pricing according to law and, by the provisions of this Law, impose administrative penalties for illegal acts related to pricing.</p> <p>Article 34 When conducting supervision over and inspection of pricing, the government departments in charge of pricing may exercise the following functions and powers:</p> <p>(1) inquiring about the parties or persons concerned and asking them to provide certifying papers and other material related to their illegal pricing;</p> <p>(2) examining and duplicating account books, bills, vouchers, documents and other material related to illegal pricing, and checking banking material related to illegal pricing;</p> <p>(3) inspecting money and property related to illegal pricing, and when necessary, ordering the parties concerned to suspend relevant business; and</p> <p>(4) first registering, according to law, for the preservation of evidence which may be missing or may be hard to obtain later on, and which parties or persons concerned may not transfer, conceal or destroy.</p> <p>Article 35 When accepting supervision and inspection by the government department in charge of pricing, the manager shall provide true account books, bills, vouchers, documents and other materials needed for supervision and inspection.</p>	

Topic	Highlight	Take Away
	<p>Article 36 Officials of the government departments in charge of pricing may not use the material or other particulars lawfully obtained for any other purposes than the ones for price control conducted according to law, and they may not divulge the business secrets of the parties concerned.</p> <p>Article 37 Consumers' organizations, employees' price supervision organizations, neighbourhood committees, villagers' committees and consumers shall have the right to supervise pricing. The government departments in charge of pricing shall give full play to the masses' role of supervision over pricing.</p> <p>The media shall have the right to conduct supervision over pricing by public opinion.</p> <p>Article 38 The government departments in charge of pricing shall establish a system for reporting against illegal pricing.</p> <p>All units and individuals shall have the right to report illegal pricing. The government departments in charge of pricing shall encourage such reporters and be responsible to keep secrets from them</p>	
<p>Legal Liability</p>	<p>Article 39 Any manager who refuses to accept government guidance prices or government fixed prices or the statutory intervention and emergency measures shall be ordered to make amends, his illegal gains shall be confiscated and may also be fined not more than five times his illegal gains; if he has no illegal gains, he may be fined, if the circumstances are serious, he shall be ordered to suspend business for rectification.</p> <p>Article 40 Any manager who commits any of the acts listed in Article 14 of this Law shall be ordered to make amends, his illegal gains shall be confiscated and he may also be fined not more than five times his illegal gains; if he has no illegal gains, he shall be given a disciplinary warning and may also be fined; if the circumstances are serious, he shall be ordered to suspend business for rectification, or his business license shall be revoked by the administrative department for industry and commerce. If otherwise provided in relevant laws regarding penalties and penalty-imposing organs for the acts listed in Article 14 of this Law, those provisions may be applied.</p> <p>If the acts listed in Subparagraphs (1) and (2) of Article 14 of this Law are national, they shall be confirmed by the competent department for pricing under the State Council; those which are of a regional nature at or below the provincial level shall be confirmed by the competent departments for pricing under the people's governments of provinces, autonomous regions and municipalities directly under the Central Government.</p> <p>Article 41 Any manager who causes overpayment by consumers or other managers due to his illegal pricing shall return the overpaid money; if the damage is caused, he shall bear the liability of compensation according to law.</p>	

Topic	Highlight	Take Away
	<p>Article 42 Any manager who violates the provisions on clearly marking prices shall be ordered to set it right, his illegal gains shall be confiscated and he may also be fined not more than 5,000 yuan.</p> <p>Article 43 Any manager who refuses to suspend business as ordered, or transfers, conceals or destroys the money and property registered for preservation according to law shall be fined not less than one time but not more than three times the gains derived from business or the value of the money and property transferred, concealed or destroyed.</p> <p>Article 44 Whoever refuses to provide the material needed for supervision and inspection, as required by the regulations, or provides false material, shall be ordered to make amends and be given a disciplinary warning; if he fails to do so within the time limit, he may be fined.</p> <p>Article 45 Any local people's government or any relevant department under it that, in violation of the provisions of this Law, sets or readjusts prices by overstepping the limits of its powers for pricing or the scope of applicable commodities and services defined or refuses to implement the statutory price intervention and emergency measures shall be ordered to make amends and a notice of criticism may also be circulated; the persons who are directly in charge and the other persons who are directly responsible for the offence shall be given administrative sanctions according to law.</p> <p>Article 46 Officials in charge of pricing who divulge State or business secrets or who abuse their powers, indulge in malpractices for selfish ends, neglect their duties, demand and accept bribes, if the offence constitutes a crime, shall be investigated for criminal responsibility according to law; otherwise, they shall be given sanctions according to law.</p>	
<p>Supplementary Provisions</p>	<p>Article 47 State administrative organs shall collect fees according to law, keep under strict control the items upon which charges are levied, restrict the scope of such items and standardize the rates. Specific measures regarding charges shall be drawn up separately by the State Council.</p> <p>Interest rates, exchange rates, premium rates, securities and futures prices shall be governed by the provisions of the relevant laws and administrative rules and regulations, other than this Law.</p> <p>Article 48 This Law shall go into effect as of May 1, 1998.</p>	

Source: *Compiled* by *Authors* from http://english.www.gov.cn/services/doingbusiness/202102/24/content_WS6035f101c6d0719374af97b2.html#:~:text=Article%201%20This%20Law%20is,of%20a%20socialist%20market%20economy.

2.5.5 India³⁹

Table 6 The Essential Commodities Act, India

Topic	Highlight	Take Away
2. Definitions	<p>a) "Collector" includes an Additional Collector and such other officer, not below the rank of Sub-Divisional Officer, as may be authorised by the Collector to perform the functions and exercise the powers of the Collector under this Act;</p> <p>b) "food-crops" include crops of sugarcane</p> <p>(c) "notified order" means an order notified in the Official Gazette; [(cc) "order" includes a direction issued thereunder;]</p> <p>(d) "State Government," in relation to a Union territory, means the administrator thereof;</p> <p>(e) "Sugar" means—</p> <p>(i) any form of sugar containing more than ninety per cent, sucrose, including sugar candy;</p> <p>ii) khandsari sugar or bura sugar or crushed sugar or any sugar in crystalline or powdered form; or</p> <p>(iii) sugar in process in a vacuum pan sugar factory or raw sugar produced therein.</p>	Specification of the definitions such as notified order, and collector.
Essential commodities declaration etc.	<p>(1) For the purposes of this Act, "essential commodity" means a commodity specified in the Schedule.</p> <p>(2) Subject to the provisions of sub-section (4), the Central Government may if it is satisfied that it is necessary so to do in the public interest and for reasons to be specified in the notification published in the Official Gazette, amend the Schedule so as to—</p> <p>(a) add a commodity to the said Schedule;</p> <p>(b) remove any commodity from the said Schedule, in consultation with the State Governments</p> <p>(3) Any notification issued under sub-section (2) may also direct that an entry shall be made against such commodity in the said Schedule declaring that such commodity shall be deemed to be an essential commodity for such period not exceeding six months to be specified in the notification: Provided that the Central Government may, in the public interest and for reasons to be specified, by notification in the Official Gazette, extend the such period beyond the said six months.</p> <p>(4) The Central Government may exercise its powers under sub-section (2) in respect of the commodity to which Parliament has the power to make laws by virtue of Entry 33 List III in the Seventh Schedule to the Constitution.</p> <p>(5) Every notification issued under sub-section (2) shall be laid, as soon as may be after it is issued, before both Houses of Parliament.]</p>	Any notification given under subsection (2) may also instruct the making of an entry in the Schedule designating the commodity in question as an essential commodity for the duration of the notification, which must not exceed six months:
3. Powers to control	1) If the Central Government is of opinion that it is necessary or expedient so to do for maintaining or increasing supplies of any essential commodity or for securing their equitable distribution and availability	

³⁹ <https://legislative.gov.in/sites/default/files/A1955-10.pdf>

Topic	Highlight	Take Away
<p>production, supply, distribution, etc., of essential commodities.</p>	<p>at fair prices, [or for securing any essential commodity for the defence of India or the efficient conduct of military operations], it may, by order, provide for regulating or prohibiting the production, supply and distribution thereof and trade and commerce therein.</p> <p>(2) Without prejudice to the generality of the powers conferred by sub-section (1), an order made thereunder may provide—</p> <p>(a) for regulating by licences, permits or otherwise the production or manufacture of any essential commodity; (b) for bringing under cultivation any waste or arable land, whether appurtenant to a building or not, for the growing thereon of food crops generally or of specified food-crops, and for otherwise maintaining or increasing the cultivation of food-crops generally, or of specified food- crops.</p> <p>(c) for controlling the price at which any essential commodity may be bought or sold;</p> <p>(d) for regulating by licenses, permits or otherwise the storage, transport, distribution, disposal, acquisition, use or consumption of, any essential commodity;</p> <p>(e) for prohibiting the withholding from sale of any essential commodity ordinarily kept for sale;</p> <p>(f) for requiring any person holding in stock, or engaged in the production, or in the business of buying or selling, of any essential commodity,—</p> <p>(a) to sell the whole or a specified part of the quantity held in stock or produced or received by him or,</p> <p>(b) in the case of any such commodity which is likely to be produced or received by him, to sell the whole or a specified part of the such commodity when produced or received by him, to the Central Government or a State Government or an officer or agent of such Government or a Corporation owned or controlled by such Government or to such other person or class of persons and in such circumstances as may be specified in the order.</p> <p>(g) for regulating or prohibiting any class of commercial or financial transactions relating to foodstuffs 1*** which, in the opinion of the authority making the order, are, or, if unregulated, are likely to be, detrimental to the public interest;</p> <p>(h) for collecting any information or statistics with a view to regulating or prohibiting any of the aforesaid matters [(i) For requiring persons engaged in the production, supply or distribution of or trade and commerce in, any essential commodity 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</p>	
<p>4. Imposition of duties on State Governments, etc</p>	<p>An order made under section 3 may confer powers and impose duties upon the Central Government or the State Government or officers and authorities of the Central Government or State Government and may contain directions to any State Government or officers and authorities thereof as to the exercise of any such powers or the discharge of any such duties.</p>	

Topic	Highlight	Take Away
5. Delegation of powers	<p>The Central Government may, by notified order, direct that [the power to make orders or issue notifications 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—</p> <p>(a) such officer or authority subordinate to the Central Government, or</p> <p>(b) such State Government or such officer or such authority subordinate to a State Government, as may be specified in the direction.</p>	Specification of the section on which the delegation of power might be valid.
6. Effect of orders inconsistent with other enactments	<p>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.</p> <p>Where the Collector, on receiving a report of seizure or on inspection of any essential commodity under sub-section (1), is of the opinion that the essential commodity is subject to speedy and natural decay or it is otherwise expedient in the public interest so to do, he may—</p> <p>(i) order the same to be sold at the controlled price, if any, fixed for such essential commodity under this Act or under any other law for the time being in force; or</p> <p>(ii) where no such price is fixed, order the same to be sold by public auction:</p> <p>Provided that in case of food grains, the Collector may, for its equitable distribution and availability at fair prices, order the same to be sold through fair price shops at the price fixed by the Central Government or by the State Government, as the case may be, for the retail sale of such foodgrains to the public.</p>	
7. Penalties	<p>(1) If any person contravenes any order made under Section 3,—</p> <p>(a) he shall be punishable, —</p> <p>(i) in the case of an order made with reference to clause (h) or clause (i) of sub-section (2) of that section, with imprisonment for a term which may extend to one year and shall also be liable to fine, and</p> <p>(ii) in the case of any other order, with imprisonment for a term which shall not be less than three months but which may extend to seven years and shall also be liable to fine:</p> <p>Provided that the court may, for any adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than three months;</p> <p>(b) any property in respect of which the order has been contravened shall be forfeited to the Government;</p> <p>(c) any package, covering or receptacle in which the property is found and any animal, vehicle, vessel or other conveyance used in carrying the property shall, if the court so orders, be forfeited to the Government.</p> <p>(2) If any person to whom a direction is given under clause (b) of sub-section(4) of section 3 fails to comply with the direction, he shall be punishable with imprisonment for a term which shall not be less than three months but which may extend to seven years and shall also be liable to fine:</p> <p>Provided that the court may, for any adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than three months.</p>	

Topic	Highlight	Take Away
	<p>(2A) If any person convicted of an offence under sub-clause (ii) of clause (a) of sub-section (1) or sub-section (2) is again convicted of an offence under the same provision, he shall be punishable with imprisonment for the second and for every subsequent offence for a term which shall not be less than six months but which may extend to seven years and shall also be liable to fine:</p> <p>Provided that the court may, for any adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than six months.</p> <p>(2B) For the purposes of subsection (1), (2) and (2A), the fact that an offence under sub-clause (ii) of clause (a) of sub-section (1) or under sub-section (2) has caused no substantial harm to the general public or any individual shall be an adequate and special reason for awarding a sentence of imprisonment for a term of less than three months or six months, as the case may be.</p> <p>[(3) Where a person having been convicted of an offence under sub-section (1) is again convicted of an offence under that sub-section for contravention of an order in respect of an essential commodity, the court by which such person is convicted shall, in addition to any penalty which may be imposed on him under that sub-section, by order, direct that that person shall not carry on any business in that essential commodity for such period, not being less than six months, as may be specified by the Court in the Order.]</p>	
<p>Power of Central Government to recover certain amounts as arrears of land revenue.</p>	<p>(1) Where any person, liable to—</p> <p>(a) pay any amount in pursuance of any order made under section 3, or</p> <p>(b) deposit any amount to the credit of any Account or Fund constituted by or in pursuance of any order made under that section,</p> <p>makes any default in paying or depositing the whole or any part of such amount, the amount in respect of which such default has been made shall [whether such order was made before or after the commencement of the Essential Commodities (Amendment) Act, 1984 (34 of 1984), and whether the liability of the such person to pay or deposit such amount arose before or after such commencement] be recoverable by Government together with simple interest due thereon computed at the rate of [fifteen per cent.] per annum from the date of such default to the date of recovery of such amount, as an arrear of land revenue 2[or as a public demand].</p> <p>(2) The amount recovered under sub-section (1) shall be dealt with in accordance with the order under which the liability to pay or deposit such amount arose.</p> <p>(3) Notwithstanding anything contained in any other law for the time being in force or any contract to the contrary, no court, tribunal or other authority shall grant any injunction or make any order prohibiting or restraining any Government from recovering any amount as an arrear of land revenue [or as a public demand] in pursuance of the provisions of sub-section (1).</p> <p>(4) If any order, in pursuance of which any amount has been recovered by the Government as an arrear of land revenue [or as a public demand] under subsection (1) is declared by a competent court, after giving to the Government a reasonable opportunity of being heard, to be invalid, the Government shall refund the</p>	

Topic	Highlight	Take Away
	amount so recovered by it to the person from whom it was recovered, together with simple interest due thereon, computed at the rate of [fifteen per cent.] per annum, from the date of recovery of such amount to the date on which such refund is made.	
8. Attempts and abetment	Any person who attempts to contravene, or abets a contravention of any order made under section 3 shall be deemed to have contravened that order.	Anyone who tries to violate an order issued under section 3 or aids in a violation of such order is considered to have violated it.
9. False statement	If any person, — (i) when required by any order made under section 3 to make any statement or furnish any information, make 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 documents which he is required by any such order to maintain or furnish, he shall be punishable with imprisonment for a term which may extend to [five years,] or with fine, or with both.	
10. Offences by companies	(1) If the person contravening an order made under section 3 is a company, every person who, at the time the contravention was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly: Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention. (2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officers of the company, such director, manager, secretary or other officers shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. (a) "Company" means anybody corporate, and includes a firm or other association of individuals; and (b) "director" in relation to a firm means a partner in the firm.	Inclusion of the definition of company, director etc
10A. Offences to be cognizable	Notwithstanding anything contained in 2 [the Code of Criminal Procedure, 1973 (2 of 1974)] every offence punishable under this Act shall be "cognizable 3***]	
10B. Power of the court to publish the name, place of business, etc., of	(1) Where any company is convicted under this Act, it shall be competent for the court convicting the company to cause the name and place of business of the company, nature of the contravention, the fact that the company has been so convicted and such other particulars as the court may consider to be appropriate in the circumstances of the case, to be published at the expense of the company in such newspapers or such other manner as the court may direct.	When a company is convicted under this Act, the court convicting the company may order that the company's name and place of business, the nature of the contravention, the fact that the

Topic	Highlight	Take Away
companies convicted under the Act.	(2) No publication under sub-section (1) shall be made until the period for preferring an appeal against the orders of the court has expired without any appeal having been preferred, or such an appeal, having been preferred, has been disposed of. (3) The expenses of any publication under sub-section (1) shall be recoverable from the company as if it were a fine imposed by the court. For the purposes of this section, “company” has the meaning assigned to it in clause (a) of the Explanation of section 10.	company has been so convicted, and such other particulars as the court consider appropriate in the circumstances of the case, be published at the company's expense in such newspapers or such other manner as the court may direct.
10C.Presumption of culpable mental state.	(1) In any prosecution for any offence under this Act which requires a culpable mental state on the part of the accused, the court shall presume the existence of such mental state but it shall be a defence for the accused to prove the fact that he had no such mental state with respect to the act charged as an offence in that prosecution. In this section, “culpable mental state” includes intention, motive, knowledge of a fact and the belief in, or reason to believe, a fact. (2) For the purposes of this section, a fact is said to be proved only when the court believes it to exist beyond reasonable doubt and not merely when its existence is established by a preponderance of probability.]	
11. Cognizance of offences.	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 defined in section 21 of the Indian Penal Code (45 of 1860) [or any person aggrieved or any recognized consumer association, whether such person is a member of that association or not]. [Explanation.—For the purposes of this section and section 12AA, “recognized consumer association” means a voluntary consumer association registered under the Companies Act, 1956 (1 of 1956) or any other law for the time being in force.]	No Court shall have jurisdiction over any offence punishable under this Act unless a public servant or any aggrieved person or any recognized consumer association, whether such person is a member of that association or not] [or any other person] reports in writing the facts constituting the offence.
12. Special provision regarding fine	Notwithstanding anything contained in section 29 of the Code of Criminal Procedure, 1973 (2 of 1974), it shall be lawful for any Metropolitan Magistrate, or any Judicial Magistrate of the first class specially empowered by the State Government on this behalf, to pass a sentence of fine exceeding five thousand rupees on any person convicted of contravening any order made under section 3.]	
12A. Power to try summarily	(1) If the Central Government is of opinion that a situation has arisen where, in the interests of production, supply or distribution of [any essential commodity not being an essential commodity referred to in clause (a) of sub-section (2)] or trade or commerce therein and other relevant considerations, it is necessary that the contravention of any order made under section 3 in relation to such essential commodity should be tried summarily, the Central Government may, by notification in the Official Gazette, specify such order to be a special order for purposes of summary trial under this section, and every such notification shall be laid, as soon as may be after it is issued, before both Houses of Parliament: [Provided that—	

Topic	Highlight	Take Away
	<p>(a) every such notification issued after the commencement of the Essential Commodities (Amendment) Act, 1971, shall, unless sooner rescinded, cease to operate at the expiration of two years after the publication of such notification in the Official Gazette;</p> <p>(b) every such notification in force immediately before such commencement shall, unless sooner rescinded, cease to operate at the expiration of two years after such commencement:</p> <p>Provided further that nothing in the foregoing proviso shall affect any case relating to the contravention of a special order specified in any such notification if proceedings by way of the summary trial have commenced before that notification is rescinded or ceases to operate and the provisions of this section shall continue to apply to that case as if that notification had not been rescinded or had not ceased to operate.]</p> <p>[(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) all, offences relating to—</p> <p>(a) the contravention of an order made under section 3 with respect to—</p> <p>(ii) foodstuffs, including edible oilseeds and oil; or</p> <p>(iii) drugs; and</p> <p>(b) where any notification issued under sub-section (1) in relation to a special order is in force, the contravention of such special order, shall be tried in a summary way by a Judicial Magistrate of the First Class specially empowered on this behalf by the State Government or by a Metropolitan Magistrate and the provisions of sections 262 to 265 (both inclusive) of the said Code shall, as far as may be, apply to such trial: Provided that, in the case of any conviction in a summary trial under this section, it shall be lawful for the Magistrate to pass a sentence of imprisonment for a term not exceeding one year:</p> <p>Provided further that when at the commencement of, or in the course of, a summary trial under this section, it appears to the Magistrate that the nature of the case is such that a sentence of imprisonment for a term exceeding one year may have to be passed or that it is, for any other reason, undesirable to try the case summarily, the Magistrate shall, after hearing the parties, record an order to that effect and thereafter recall any witnesses who may have been examined and proceed to hear or re-hear the case in the manner provided by the said Code.]</p> <p>(3) Notwithstanding anything to the contrary contained in [the Code of Criminal Procedure, 1973 1973 (2 of 1974),] there shall be no appeal by a convicted person in any case tried summarily under this section in which the Magistrate passes a sentence of imprisonment not exceeding one month, [and of fine not exceeding two thousand rupees] whether or not any order of forfeiture of property or an order under [section 452] of the said Code is made in addition to such sentences, but an appeal shall lie where any sentence 3*** in excess of the aforesaid limits is passed by the Magistrate.</p> <p>[(4) All cases relating to the contravention of an order referred to in clause (a) of sub-section (2), not being a special order, and pending before a Magistrate immediately before the commencement of the Essential Commodities (Amendment) Act, 1974, and, where any notification is issued under subsection (1) in relation</p>	

Topic	Highlight	Take Away
	to a special order, all cases relating to the contravention of such special order and pending before a Magistrate immediately before the date of the issue of such notification, shall, if no witnesses have been examined before such commencement or the said date, as the case may be, be tried in a summary way under this section, and if any such case is pending before a Magistrate who is not competent to try the same in a summary way under this section, it shall be forwarded to a Magistrate so competent.]	
12B. Grant of injunction, etc., by civil courts	No civil court shall grant an injunction or make any order for any other relief, against the Central Government or any State Government a Public officer in respect of any Act done or purporting to be done by such Government, or such officer in his official capacity, under this Act or any order made thereunder, until after notice of the application for a such injunction or other relief has been given to such Government or officer.	Concerning any Act done or purported to be done by the Central Government, or a Public Officer under this Act or any order made thereunder, no civil court shall grant an injunction or make any order for any other relief, until notice of the application for a such injunction or other relief has been given to such Government or Officer.
13. Presumption as to orders	Where an order purports to have been made and signed by an authority in the exercise of any power conferred by or under this Act, a court shall presume that such order was so made by that authority within the meaning of the Indian Evidence Act, 1872 (1 of 1872).	
14. Burden of proof in certain cases	Where a person is prosecuted for contravening any order made under section 3 which prohibits him from doing any act or being in possession of a thing without lawful authority or without a permit, licence or other documents, the burden of proving that he has such authority, permit, licence or other documents shall be on him.	When someone is charged with violating a section 3 order that forbids them from doing something or having something in their possession without legal permission or a permit, licence, or other documents, it is their responsibility to show that they are in possession of those permissions, licences, or other documents.
15. Protection of action taken under the Act.	(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. (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 section 3.	Nothing done or intended to be done in good faith in compliance with any order made under Section 3 shall give rise to a cause of action or other legal action against the Government for any harm caused or likely to be caused.
15A. Prosecution of public servants.	Where any person who is a public servant is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his duty in pursuance of an order made under section 3, no court shall take cognizance of such offence except with the previous sanction—	

Topic	Highlight	Take Away
	<p>(a) of the Central Government, in the case of a person who is employed or, as the case may be, was at the time of the commission of the alleged offence employed, in connection with the affairs of the Union;</p> <p>(b) of the State Government, in the case of a person who is employed or, as the case may be, was at the time of the commission of the alleged offence employed, in connection with the affairs of the State.]</p>	
<p>16. Repeals and savings.</p>	<p>(1) The following laws are hereby repealed: —</p> <p>(a) the Essential Commodities Ordinance, 1955 (1 of 1955);</p> <p>(b) any other law in force in any State immediately before the commencement of this Act in so far as such law controls or authorises the control of the production, supply and distribution of, and trade and commerce in, any essential commodity.</p> <p>(2) Notwithstanding such repeal, any order made or deemed to be made by any authority whatsoever, under any law repealed hereby and in force immediately before the commencement of this Act, shall, in so far as such order may be made under this Act, be deemed to be made under this Act and continue in force, and accordingly any appointment made, licence or permit granted or direction issued under any such order and in force immediately before such commencement shall continue in force until and unless it is superseded by any appointment made, licence or permit granted or direction issued under this Act.</p> <p>(3) The provision of sub-section (2) shall be without prejudice to the provision contained in section 6 of the General Clauses Act, 1897 (10 of 1897), which shall also apply to the repeal of the Ordinance or other law referred to in subsection (1) as if such Ordinance or other law had been an enactment.</p>	

Source: Authors compilation

3. The Essential Articles (Price Control and Anti-Hoarding) Act, 1953 and its Relevance to the 'SHE' Trade

Bangladesh is a country where half of the total population is female and their socio-economic status is very decumbent. Women's position in the struggle for social dignity, security and multilateral pressure regarding their employment is not equal to their male counterparts. Many of the women's indoor and outdoor activities are not treated as work. The devaluation of women's jobs in the labour market has also hampered women's rights. However, in the trade economy, Bangladeshi women are constantly facing new challenges most female entrepreneurs focus on the domestic market, which constrains Bangladesh's entrepreneurial spirit and women's participation in commerce. Despite the Bangladesh microfinance uprising, women still account for only about 7 per cent of national entrepreneurs (Bangladesh Statistics Bureau 2015a) and only 15 per cent of national enterprises (World Economic Forum 2017). Similar to female employment, female entrepreneurs are more concentrated in a smaller number of sectors and industries than male entrepreneurs and are largely driven to lower positions (Solotaroff, et al. 2019).

Companies owned by a relatively small number of women are also engaged in cross-border trade. Restricted access to women's assets, poor infrastructure at borders and ports, mundane customs procedures, long customs procedures, corruption, frequent documentaries and other non-tariff barriers are for vulnerable small traders like women. It tends to be a special challenge. Women's access to institutions and programs that support trade and entrepreneurship is also low, making contact with potential buyers excruciating. Furthermore, job and market-based entrepreneurial activity are recognised as a "male territory," and employment opportunities as sellers, buyers, and intermediaries are exceedingly circumscribed for women due to mobility confines (Asadullah and Wahhaj2016).

Provision to "SHE Trade" through the "Essential Articles (Price Control and Anti-Hoarding) Act, 1953"

There is no isolated policy section on "SHE trade" and women's entrepreneurship. However, the collective bargaining of the authority may adopt any policy to protect women's trade and entrepreneurship, if previously decided by the government. Whether any stakeholders implement rules or policies that specifically support male or female entrepreneurship is a very subjective decision-making issue that can be implemented by the government itself. The strategies which might be implemented through "The Essential Articles (Price Control and Anti-Hoarding) Act, 1953" to promote SHE trade are:

Recommending alternative sectors for women

Despite women's converting roles inside the monetary sphere, growing and enhancing their engagement in nearby alternate as commercial enterprise proprietors and workers would require more guidance for women's entrepreneurship and capacity development. Diversified packages and donors have transpired a market-led technique in Bangladesh in the latest years to reinforce inclusion and outreach to prone groups, which includes women. Till now, Bangladeshi women stay much less incorporated in markets as compared to men and usually

alternate on much less fantastic terms. Moreover, the SHE trade can be promoted by attracting women in many related areas such as poultry farming, crab farming, medicinal plants and Aloe-Vera planting. Authorities can show the potential impact of such employment on women in business.

Introducing gender-focused trade policies

An extra-inclusive alternate approach ought to be advanced for Bangladesh with unique problems and wishes of women entrepreneurs or buyers mainstreamed into the design, implementation, and evaluation of alternate coverage. The relevant stakeholders should collect gender-disaggregated alternate statistics via cost chain analysis, poverty and social effect assessments, diagnostic alternate integration studies, quarter analysis, and export improvement analysis. Agencies engaged in shaping alternate policies consisting of the working group for “Women Traders and Entrepreneurs” ought to make sure of good enough participation of women entrepreneurs, especially people with micro and small enterprises. Women’s voices in technical and coverage consultations to allow equitable blessings to men and women need to be increased. The authority may also conduct surveys to identify areas where the country is deficient and lagging compared to the global market and to make favourable recommendations to bridge such capacity and productivity gaps. Thus how women's participation in trade will be more transparently identified and assist the policymakers to introduce more efficient gender-inclusive trade policies.

Special concentration on women entrepreneurs

Learning opportunities should be provided to women entrepreneurs and traders on government policies and procedures to address their limited access to information and the resulting knowledge gap. The authority should develop publications concentrated on women marketers to elevate recognition of alternate guidelines and procedures. It should establish operating organisations for women marketers and investors orienting contributors on authority procedures, facilities, and financing opportunities. If the government agencies ask to focus specifically on women or other minority groups or classes, the authority can recommend policies to provide special trade provisions to female entrepreneurs.

Addressing SHE trade in the Act to better enable women’s trade

Establishing a section in the Act for providing the special provision of trade for female entrepreneurs might be a pivotal recommendation for promoting SHE trade. Female entrepreneurs still rely on their families and husbands to run their businesses. However, urban women appear to be more capable of running businesses individually than rural female entrepreneurs. The major portion of them is highly dependent on raw material extraction and product marketing⁴⁰. Therefore, the government may introduce some sections within the policy regarding financial support for women entrepreneurs to encourage them.

⁴⁰<https://thefinancialexpress.com.bd/views/women-entrepreneurs-need-policy-support-1610553864>

4. Findings of the Study from FGD and KIIs

The primary outcome of this study especially comes from the robust desk research, KIIs and FGDs and in this chapter, the predominant findings will be recorded. The Essential Articles (Price Control and Anti-Hoarding) Act, 1953 (East Bengal Act) reinforce the strengthening of the market through price control and enhances its activities for tarnishing the dishonest trade system of the economy. However, as there were some limitations in the “The Essential Articles (Price Control and Anti-Hoarding) Act”, several anomalies are addressed here to amend the Act for tapping the entire advantages of the provisions furnished through the Act.

4.1 Urgency of independent force and credulous time management

The government set a price for certain essential goods and to make sure that the goods are sold at that price there are government agencies that monitor the market. The monitoring agencies face many difficulties due to a lack of resources and facilities. A facility that they require is an independent force of their own. While the agencies are investigating a marketplace, they require assistance from the force which is the local police. However, the police cannot always be at the investigating spot on time due to prior engagement or communication gaps. In the meantime, the dishonest businessman becomes aware of the investigating officers who are on the spot. So they move stocked goods or fix the prices, making it difficult to catch in the act. Having independent force would save time and would make the investigating process more efficient. Furthermore, the independent force would have its own identity and would be easily recognized by the general public, which will make the fake agencies unable to deceive the public.

4.2 Inadequate communication

The monitoring agencies cannot operate alone, it requires support from other ministries, other agencies and forces. For instance, the investigating agencies require support from the force while conducting an operation. However, a lot of times the police are not on time for the operation because they had prior engagements or due to communication gaps. Causing problems in the investigation.

The investigation agencies also require help from laboratories and other government agencies, as they may require information or may need to coordinate with other agencies to monitor the market efficiently. Lack of communication often hinders the monitoring process and makes it difficult for them to do their jobs efficiently.

4.3 Shortage of skilled human resources, field-level inspection and widespread monitoring scheme

One of the biggest problems for monitoring agencies is their shortage of human resources. For example, the monitoring agencies have branches in all 64 districts but only two people are in charge of monitoring each district. For monitoring properly the agencies require information from all the markets at different hours of the day. With the proper information, they could have observed the market price better and there could cause a fluctuation in the

prices of goods and controlled it better. Two people cannot do can not observe all the markets in a district let alone actively monitor and collect information from all the marketplaces.

4.4 Inadequate market data availability and lack of a research

To understand why the businessmen are not selling at the fixed price, to ensure the quality of products and to understand the market, the agencies require detailed information collected from the market. . If there were information about the market at different hours of the day, it would also help manage the market more efficiently and observe the market price better also there would less fluctuation in the price. However, that is not possible as the agencies do not have sufficient manpower to get even the necessary information from the market or to monitor it properly. A separate research wing is required, dedicated to studying the market fluctuation, irregularities, effect of policies, market behaviour of different places, etc. However, as the agencies do not have sufficient human resources or funds, there is no research wing to support its work.

4.5 Fragility in the penalty implementation mechanism

The monitoring agencies have the authority to fine and cancel the licences of businesses that are involved in unethical activities. The agencies prioritise making people aware of the rules and try not to discourage businesses. The penalties are also given taking into consideration the scale and capacity of the businesses. However, there are still plenty of cases where it is difficult for them to give a penalty to businesses that are breaking the law and need to be punished. The difficulty arises due to a lack of support from the police, other agencies, laboratories, etc. As the agencies depend on others in many ways, they cannot always investigate properly or penalize corrupt businessmen.

4.6 Infirmary in tracing the dishonest traders promptly

For the market to function properly and to ensure rules are followed dishonest traders have to be traced and punished. However, it is difficult for the investigating officers to identify and trace these dishonest traders for several reasons. Firstly, the monitoring agencies do always have access to information or facilities like laboratories to gather enough information to investigate. And so criminals are never caught. Moreover, the agencies need assistance from other agencies but due to communication gaps and other factors, the agencies do not always get that assistance on time, giving the criminals time to get away. Also, the agencies lack adequate information and research to understand the motive of the dishonest traders and how they operate. All these factors combined make it difficult to trace dishonest traders.

4.7 Inadequacy of study on anti-hoarding and black market

For a market to operate properly, businesses have to be aware of the rules and cooperate with the government. Furthermore, the policies and action plan should be made after understanding the market better to run it efficiently. For all of these to happen, the market has to be studied and researched appropriately. In the case of Bangladesh, anti-hoarding and black-market studies are also required. To plan policies and implement them, market

forecasting is required, for which research work should be done. Research is also required to understand the motivation behind pilling up the goods and dishonesty. Without studies addressing these issues, appropriate steps cannot be taken. However, there isn't sufficient data to study the market and it would be hard to collect as the agencies have limited resources.

4.8 Imprecise listing for dealers

The government in some cases sells goods to the public at lower prices and to do so the government makes deals with a certain seller to it for the government to buy this seller the goods at a higher price than the price was to be sold. The monitoring agencies have to investigate these dealers. It would more efficient if the selection of dealers were selected after a proper investigation.

4.9 inadequate transportation

In addition to all of these, the government's monitoring agencies have limited transport facilities. To monitor the marketplaces the investigating officers have to visit different marketplaces and they rent transport to do so. The fare of the transport is different in different places, which led to some system losses, moreover, the officers face many more problems getting the proper transport that fulfils certain requirements needed for monitoring. Another problem that arises while travelling in rented cars is that the drivers are not loyal and so these drivers make deals with the businessman of the marketplace that is to be investigated and give them information in exchange for money. All of these problems would have been solved if the government agencies had their transportation.

4.10 Existence of deceptive organisation

The investigation and marketplace operation are to be conducted by government agencies but there are a few unethical private agencies that conduct fake operations and fine the sellers. These operations seem believable to the public as they use the name of government agencies, have forged government books that the agencies use, take force while conducting these operations and they call the sellers for a hearing and follow similar procedures that the monitoring agencies follow, make the legitimacy of their activities more believable to the public. When the government agencies became aware of this issue and investigate they found that these fake agencies did any proper approval or licence to conduct such operations and the information and other information that they provided were also fake. However, these agencies claim that they are collaborating organisations. The fake agencies do so to make a profit out of the fines that they receive from the sellers. The fines that government agencies receive are kept in the government treasury but these fake agencies keep the fine to themselves. As a measure of preventing these fake agencies from deceiving the public, government agencies have advertised to make people aware of such deceptive organisations still it is difficult to make the public aware of the issue with the limited resources the government agencies have. The fake operations could have been prevented if the monitoring agencies had their independent force.

4.11 The existence of third-party hassles and the slothfulness of the market committee

Every marketplace has a committee and the committees are supposed to make sure the goods are sold at the right price. But these committees are usually unaware of the rules themselves and so instead of helping in the investigation, they get in the way of it. The committee are more interested in showcasing and maintaining its influence and power, rather than working with the government, maintaining order and training the traders. Also during the investigation, other third-party interference in investing, and punishing the dishonest traders makes it difficult for the monitoring officer to make the market efficient. When faced with such difficulties from third parties, the officers generally inform their superior and with the help of higher authorities, such problems are resolved. The factors related to Bazar committees are not still very clear to the investigating officers due to the lack of information marketplace place and the communications gap that the officers have with the committees.

4.12 Nonexistence of independent laboratory and Dearth of technological assistance

The monitoring agencies' job is to ensure the quality of the product. To do that investigation the agencies need to collect, test and store numerous samples. Due to insufficient human resources, they cannot collect data or do research work. Even with the limited information and sample, it cannot always run tests and ensure quality as it is dependent on other agencies to do the test for them. To ensure the quality of a product monitoring agencies require labs which they do not have. With one lab in every division, it would have helped ensure the quality by randomly sampling goods from the market. After sampling, if the goods did not fulfil the standard perimeter or criteria those should, the agencies could work with the producers and suggest alternative ways. Without such testing facilities, each test sample is sent to government labs. Which has two problems, firstly due to a shortage of funds the agencies cannot bear the cost of the test so these tests are never done. Without testing they cannot proceed with the investigation and the problems remain unsolved and criminals who break the law for making a profit are never caught. With independent laboratories, they could have easily investigated such matters.

4.13 Absence in the price display system

According to the law, the price of the products for which it was bought and to be sold, along with the number of goods stocked in the shop must be displayed. This is done to get an idea about how much profit the businesses are making. However, the sellers do not truly follow the law and even if they do, they display the wrong information. So, to get an idea of the actual price investigators to look into the number of goods in stock, when the goods were bought and why they manipulated the price. If they find the seller has manipulated the information they are fined. To do that the market has to be constantly monitored and actions have to be taken on time, which the agencies fail to do in many cases. The agencies do not have enough manpower to monitor properly and because of their dependency on others, the agencies cannot take action on time.

4.14 Insufficient drive to obtain a business licence

To run a business, businessmen need to get a licence and have to maintain certain requirements set by the authority that issued the licence. The requirements are which are mentioned in the licence but many businesses do not maintain the requirements. The investigating officers have the authority to cancel this licence if the requirements are not met. But all traders do not have a licence, if that is the case, they get a warning first and are told to get a licence within a given period and if they still do not get it they are punished accordingly. Even though storehouses need a licence like registration of warehouse to conduct their business, the government agencies that monitor price control also have the authority to investigate storehouses. The agencies prioritise making the businessmen aware of the rules and making them understand that they are in the wrong for not following them. The agencies find it difficult to make the business aware of these and so they have to reserve to punish them. The agencies still do not have enough understanding of the market or why the businesses do not follow the law due to a lack of adequate information and proper research on the market.

4.15 Dearth of technological assistance

The monitoring agencies ensure the quality of the product. To do that investigation the agencies need to collect, test and store numerous samples. Due to insufficient human resources, they cannot collect data or do research work. Even with the limited information and sample, it has not always run tests and ensured quality as it is dependent on other agencies to do the test for them. For instance, the agencies do not have an independent laboratory so for the testing sample they have to send it to government labs, this leads to wasting time and makes the process inefficient. Also, the agencies cannot always bear the cost of these tests that are never done.

For investigating purposes, the agencies need to collect, test and store numerous samples. Even so, they do not have enough manpower to collect or a laboratory to test and store the samples as they do not have a permanent institution. On top of that, the labour of division is not always proper. The officers have to take the load of extra work that they are not supposed to do.

To ensure the quality of a product monitoring agencies requires labs which they do not have. If there was at least one lab in every division, it would help them ensure quality by randomly sampling goods from the market. After sampling, if the goods did not fulfil the standard perimeter or criteria those should, the agencies could work with the producers and suggest alternative ways. Without such testing facilities, each test sample is sent to government labs. Which has two problems, firstly due to a shortage of funds the agencies cannot bear the cost of the test so these tests are never done. Without testing they cannot proceed with the investigation and the problems remain unsolved and criminals who break the law for making a profit are never caught. With independent laboratories, they could have easily investigated such matters.

5. Recommendations

5.1 Mother Law/Act and dividing responsibilities

According to the Acts, there are different organizations appointed to deal with the same issues. Therefore, there are different authorities tasked with the responsibility to deal with the same issue and as all the authorities are trying to do the same work, the job does not get done properly as accountability is not ensured. There are different acts dealing with the same issues because the issue of price control has different aspects like supply, distribution, trade, commerce, etc. So several Acts are focused on the same issue and working on it from different angles.

The solution to this problem is to have a Mother Law that addresses the issue entirely and within it, there should be other acts that deal with the specific aspect of the issue and the authority that will monitor those aspects specifically. The first step in creating a Mother law is that the rules and regulations have to be defined from every aspect. Although there will be some overlapping in this case which authority is responsible for what and what would be the sequence of action that has to be taken in dealing with the issue must be clearly defined in the Mother Law. As the problems are interlinked, so it should be dealt with in a holistic approach.

5.2 Updating the definitions with the present context

The Act is named the Price Control Act, however, the economy of Bangladesh is an open market economy, so the prices should not be controlled. Instead, the government should intervene only when there is a crisis otherwise the market should be allowed to operate freely there should not be so much price fluctuation. If there is a situation when unfair competition is practised that's when the government organization should step in to ensure the market runs smoothly. So the phrases used in the act should be revised and well-defined. And even if the word controlled is used it should explain how much control there should be, there should be specific objectives with the definition. Also, other phrases that are not well defined in this act must be well defined. And if the Act is interlined with any other Act that Act must be mentioned and what aspect of that act is related to the price control act. For instance, the list of essential commodities is not clearly defined in the price control act, which has to be defined and set criteria or give a guideline for what commodities should be considered essential commodities.

5.3 Specified jurisdiction

A major problem that the monitoring authorities face is that several organizations are working on the same issues as there are different acts and the jurisdiction and responsibility of these authorities are not well defined. There are different aspects of the issue of price control and these aspects are interlined therefore there is an overlapping in the jurisdiction given to each organization. Hence, the jurisdiction of each organization has to be mentioned in the act along with the sequence in which the organization should step in to deal with the issues, This would allow the organization to better coordinate among themselves. The jurisdiction of each Act

has to be specified too as there might be other related Acts which overlaps with these Act. If that is the case, there has to be an exception or non-appliance clause in the Act that would mention which other Acts would not be applicable for that jurisdiction, to avoid duplication.

5.4 Coordination

To implement a certain act, for the entire market, the whole market has to be monitored and bring it under the implementation procedure. To do that there has to be a proper procedural pathway to observe the whole market. However, it cannot be done due to information gaps, as there is no established formal linkage without which it is hard to implement the Act. So to implement the act adequately, a properly planned pathway has to be established. As many organizations are dealing with the same issue each organization should be assigned the responsibility to establish the linkage in the specific sector they are working in. To establish a linkage, the organization must coordinate among themselves. with proper coordination, a planned pathway can be formed which will allow the monitoring agencies all the information and monitor properly.

5.5 Inclusion of new aspects

The price control Act was published ages ago and so it did not take into consideration the aspects of consumers, competition and many more. These new aspects have to be defined and identify and specify in the act, which authority will be responsible for dealing with these new aspects. Moreover, as there are many related acts, all the acts have to be studied and figure out which issues are already addressed in which Act and make new Acts to address the issues that have not been addressed yet issues.

5.6 Information collection mechanism (receipt)

For monitoring and proper law enforcement purposes, the authorities need to have certain information related to the goods and services. The information can be checked and collected through many mechanisms one of them is looking into the receipts for each exchange. However, as there is no standard receipt system, the organization do not have the correct information. There should be a specific mechanism to store information about domestic and imported products. That will allow the government to easily intervene.

The receipt should be in a prescribed format which should be a written mechanism to keep the data. To collect data, the whole picture should be considered and figure out a way to collect data from every end of the system and also identify the path and figure out the documentation process.

The department of agricultural marketing has a mechanism but that is only for agricultural goods, if the mechanism works for other goods we can apply it for other products as well.

5.7 Revisiting penalty provisions/ punishment mechanism/ follow-up mechanism

The punishment mechanism should be revisited. There are different instructions for penalties according to different laws. The penalty at times only leads the businessmen to continue with their dishonest way instead of reforming them. So we should look into alternatives to maintain order and therefore, revisit the punishment system. The problem with our monitoring process is that the authority investigates a marketplace, punishes those who are breaking the law and leaves. These processes do not give fruitful results as the sellers continue to break the law. It would have been better to monitor the market regularly and which would create a follow-up system. To make sure that the market runs properly and law and order are maintained.

5.8 Mechanisms of other countries

Other countries do not have a price control Act, their authorities intervene during specific circumstances. The concept of price control is declaring a price ceiling or floor. In Bangladesh, for certain commodities, the government declares a price ceiling but usually does not give a price floor, which would have been helpful for the producers. Some countries do have a price floor as well, such cases should be studied and if the cases are similar to ours, the provision of price flooring can be included in this Act. India and Pakistan shared a common regional reality so reviewing similar price control acts, price-related laws and mechanisms in India and Pakistan and how they gradually developed the acts over time would help in developing our Act. Plus, we need to study whether other developing and developed countries that have a proper mechanism and how it works, do they have dedicated officers or specific monitoring teams, specific guidelines and if those can be incorporated into our market.

5.9 Facilitation of Women

Generally, no provision specifically discourages women entrepreneurs in any act. Women are discouraged when there is a lack of gender inclusivity in the mechanism in which the Act is implemented. So the issue of gender inclusiveness has to be included at the implementation level. To promote She Trade, we need to see the case studies on this issue and define what kind of problems women entrepreneurs face and consider them and involve ways to overcome these problems at the implementation level. Also, a separate scheme can be developed to facilitate women entrepreneurs. If these could be done, no other specific provision will be needed in the Act.

5.10 Monitoring organizations

The monitoring organizations face many problems in implementing the policies and monitoring the market due to a lack of human resources, testing and storing facilities, lack of proper data and many more. Therefore, monitoring organizations require certain facilities. Like more human resources, which would collect data and monitor the market better, independent forces, which would save time along with making their work more efficient, and independent laboratories to test and store samples and data.

6. Recommendation Matrix

Table 7 Recommendation Matrix for future

Topic	Stated Provision in the Act	Unchanged	New Addition	New Inclusion
Section one: Short title, extent, and commencement	<p>1. (1) This Act may be called the Essential Articles (Price Control and Anti-Hoarding) Act, 1953.</p> <p>(2) It extends to the whole of [Bangladesh].</p> <p>(3) It shall come into force at once</p>	N/A	N/A	<ul style="list-style-type: none"> Renaming the Act with the current global context
Section two: Definitions	<p>2. In this Act, unless there is anything repugnant in the subject or context,-</p> <p>(a) “essential article” means any article, other than an article that is an “essential commodity” within the meaning of section 2 of the [* * *] Control of Essential Commodities Act, 1956, which the Government may, from time to time, declare by notification, to be an article to which the provisions of this Act shall apply;</p> <p>(b) “family” includes all persons who live in a private house and are members of the same mess;</p> <p>(c) “notification” means a notification published in the Official Gazette;</p> <p>(d) “prescribed” means prescribed by rules made under this Act;</p> <p>(e) “retailer” means a trader who sells any essential article directly to a consumer;</p> <p>(f) “trader” means any person engaged in the purchase, sale or storage for sale of any essential article; and</p> <p>(g) “wholesaler” means a trader other than a retailer.</p>	N/A	N/A	<ul style="list-style-type: none"> Inclusion of some definitions keeping the view of the current context such as producer, seller, consumers Specifying and clarification the definition of ‘control’ Inclusion of the definitions such as company, director etc.
Section three: Power to fix prices and to	<p>3. (1) The Government may, from time to time, by notification, fix the maximum prices at which an essential article may be sold by a retailer, wholesaler, or any other person and for this purpose may fix different prices for different areas of the [country].</p>	N/A	N/A	<ul style="list-style-type: none"> Price flooring issues may be included for the betterment of the rural farmers

Topic	Stated Provision in the Act	Unchanged	New Addition	New Inclusion
<p>require marking of prices</p>	<p>2) The Government may, by notification, require any trader to mark, on any essential article, the maximum prices fixed under sub-section (1), in such manner as may be prescribed and the traders concerned shall mark such article accordingly. Such trader shall exhibit in a prominent place in the shop or godown a list showing the maximum prices of essential articles fixed under the said sub-section.</p> <p>(3) A notification under sub-section (1) shall specify the date from which and the period for which the maximum price has been fixed.</p>			
<p>Section four: Prohibition against the purchase, sale, etc., at prices exceeding the maximum price</p>	<p>4. (1) Notwithstanding anything contained in any contract, no retailer or wholesaler shall sell or purchase, or deliver or accept delivery of, any essential article at a price exceeding the maximum price fixed under sub-section (1) of section 3.</p> <p>(2) No trader shall sell or offer or exhibit for sale any essential article in respect of which marking of maximum prices has been required under subsection (2) of section 3 unless /5erwaste such article has been so marked.</p>	Yes	N/A	N/A
<p>Section five: Power to control possession of the essential article</p>	<p>5. (1) The Government may, by notification, direct that no family, wholesaler, or retailer shall keep in its or his possession or under its or his control any essential article above the quantity specified in such notification.</p> <p>Explanation.- For the purpose of this section, the possession or control of any one member of a family shall be deemed to be the possession or control of every adult member of that family.</p> <p>(2) If, on the date of issue of a notification under sub-section (1) in respect of any essential article, any family, wholesaler or retailer has in its or his possession any quantity of such essential article in excess of the quantity specified in such notification, the head of the family, wholesaler or retailer concerned shall forthwith report the fact to the Government or such</p>	N/A	<ul style="list-style-type: none"> • Addition of the provision for violation of section 5.1 	N/A

Topic	Stated Provision in the Act	Unchanged	New Addition	New Inclusion
	officer as may be empowered in this behalf by the Government and shall take such action as to the storage, distribution or disposal of the excess quantity as the Government or such officer may direct.			
Section six: Power to require a license for trading	6. The Government may, by notification, direct that no trader or class of trader shall deal in any essential article except under and in accordance with the conditions of, a license issued, on this behalf by the Government, on payment of such fees and in such manner and form as may be prescribed. An application for such license shall be accompanied by such fee as may be prescribed.	Yes	N/A	N/A
Section seven: Power to compel sales to the specified person	7. The Government may, by general or special order in writing, require any trader holding stock of an essential article to sell the whole or specified part thereof at prices not exceeding the maximum fixed under sub-section(1) of section 3, to such person or class of persons and in such circumstances or under such permits as may be specified in the order and the trader concerned shall comply with such order.	Yes	N/A	N/A
Section eight: Prohibition against withholding of sales	8. No trader shall unless previously authorised to do so by the government, withhold from the sale or refuse to sell to any person, any essential article in quantities not contrary to the normal practices of his business.	N/A	<ul style="list-style-type: none"> Penalty provision for not following this provision 	N/A
Section nine: Power to require maintenance of accounts, etc., and registration of godowns	9. (1) Any officer, authorised on this behalf by the Government, may, by general or special order in writing,- (a) require a trader to maintain accounts relating to any transaction in such manner and form as may be prescribed; (b) require a trader to submit such accounts, returns, reports, or statements relating to any transactions, in such manner and form and to such officer as may be prescribed;	N/A	N/A	<ul style="list-style-type: none"> Introduction of online registration method for paperless activities Improvement of the monitoring and follow-up issue

Topic	Stated Provision in the Act	Unchanged	New Addition	New Inclusion
	<p>(c) require a trader to cause his storage godown to be registered on payment of such fees and in such manner and within such period as may be prescribed; and</p> <p>(d) require a trader to keep hung up in his business centre a notice board quoting therein the daily stock of essential articles held by him in his stock.</p> <p>(2) No trader whose godown has been registered under clause (c) of sub-section (1) shall store any essential article in any place other than the godown so registered.</p>			
<p>Section ten: Power to enter, inspect, search, etc</p>	<p>10. Any officer, authorised on this behalf by the Government, may-</p> <p>(a) enter upon and inspect any premises, tents, vessels, or vehicles used or believed to be used for the purchase, sale, transfer, or storage for sale of any essential article;</p> <p>(b) enter upon and search any premises, tents, vessels, or vehicles and seize any essential article, together with the containers thereof, in respect of which he has reason to believe that contravention of this Act has been committed;</p> <p>(c) direct the owner, occupier, or other persons in charge of such premises, tents or vessels, or any trader to produce any books, accounts, vouchers, or other documents relating to the purchase, sale, or other documents relating to the purchase, sale or storage for sale of any essential article or to furnish such information relating to such transaction as the officer so authorised may require; but the officer so authorised shall not require any family which has stored essential articles for consumption and not for sale to produce books, accounts, vouchers or other documents relating to the purchase of any such essential articles;</p> <p>(d) inspect or cause to be inspected any books, accounts, vouchers, or other documents relating to such transactions; and</p>	<p>N/A</p>	<ul style="list-style-type: none"> • Regarding the inspection, it may be on a systematic basis rather than the random basis 	<ul style="list-style-type: none"> • Formulation of a separate cell/department/authority of the government for the power to enter, inspect, search etc to avoid overlapping among the ministries

Topic	Stated Provision in the Act	Unchanged	New Addition	New Inclusion
	(e) take or cause to be taken extracts from, or copies of, any document relating to such transactions.			
Section eleven: Provisions of the Act not to apply in case of Government purchase, etc.	11. The provisions of this Act shall not apply to the purchase, storage, or distribution, of any essential article by or on behalf of the [Government].	Yes	N/A	N/A
Section twelve: Power to exempt	12. The Government may, by notification, exempt any person or class of persons from all or any of the provisions of this Act subject to such conditions, if any, as may be specified.	Yes	N/A	N/A
Section thirteen: Penalties	13. If any person contravenes any of the provisions of this Act, he shall be deemed to have committed an offence under section 3 of the Hoarding and Black Market Act, 1948, and the provisions of that Act shall apply accordingly.	N/A	N/A	<ul style="list-style-type: none"> • Clear mention of the contravenes for which a person may receive penalties
Section fourteen: Attempts and abetments	14. Any person who attempts to contravene, or abets a contravention of, any provision of this Act shall be deemed to have contravened that provision.	N/A	N/A	<ul style="list-style-type: none"> • Inclusion of grievance mechanism for penalty provision
Section fifteen: Delegation of power	15. The Government may, by notification, direct that any power or duty which is conferred or imposed by this Act on the Government shall, subject to such conditions, if any, as may be specified in the notification, be exercised or discharged also by any officer or authority subordinate to it.	N/A	N/A	<ul style="list-style-type: none"> • A separate controlling authority may be established who may directly work on this
Section sixteen: Public servant	16. Any person empowered to do anything under this Act shall be deemed to be a public servant within the meaning of section 21 of the [* * *] PenalCode.	Yes	N/A	N/A
Section seventeen: Power to make rules	17. The Government may make rules for carrying out the purposes of this Act.	N/A	<ul style="list-style-type: none"> • Along with the rules, specific guidelines on essential 	N/A

Topic	Stated Provision in the Act	Unchanged	New Addition	New Inclusion
			commodities and schemes may be formulated.	
Section eighteen: Indemnity	18. (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 provision of this Act and the Rules made there under. (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 provision of this Act and the Rules made thereunder.	Yes	N/A	N/A
Section nineteen: [Repealed.]	19. [Repeal and savings.- Repealed by section 2 and the Schedule of the East Pakistan Repealing and Amending Ordinance, 1966 (East Pakistan Ordinance No. XIII of 1966).]	Yes	N/A	N/A

Source: Compiled by authors from different sources, KIIs, FGDs

7. Conclusion

The Essential Articles (Price Control and Anti-Hoarding) Act, 1953 was enacted to regulate the supply and distribution of trade and commerce, control the unnatural price hike of essential commodities and control the hoarding of essential goods.⁴¹ Under this Act, the Ministry of Commerce fixes the maximum prices at which an essential article may be sold by a retailer, wholesaler or any other person.⁴² However, nowadays the enactment of this Act seems to have no effect on the market as price hikes and hoarding of essential commodities have become a common scenario.

Although insufficient production is supposed to be the main reason for the price hike, in reality, even when there is an adequate supply of essential commodities, their prices still keep on soaring. This adversely impacts the price level of other commodities. Moreover, even after sufficient stocks, dishonest traders often take the opportunity of incidents such as a festive period or emergencies as an excuse for a price hike. It is also not unusual that some profit-maker syndicates often create an artificial crisis of essential items by hoarding goods to increase prices and thereby multiply profit.

Some middlemen also occasionally make excessive profit claims and cause illogical price increases for necessities. As a result of these dishonest traders, millions of customers suffer as businessmen take advantage of them for their benefit. This unethical conduct deteriorates the life of the consumers as they only have a nominal income to fulfil their needs.

Although there are laws to control price hikes and hoarding, rules and regulations do not work in our market system. Relevant government authority is responsible to keep a check on this issue, however, in reality, nobody is there to check the greed of a section of unruly businessmen. It is suspected that traders who are inclined to these unethical price hikes maintain connections with influential people who are involved in market manipulation through syndication.

As the government is in charge of protecting the interests of consumers, necessary precautions should be taken to ensure that no one may destabilize the market through stockpiling, syndicating, or any other immoral means. While fixing the price of essentials, the government should follow the most rational course possible and consider the convenience of the consumers without giving traders' requests major prominence.

The reasons for the price increase of any commodities shall be disclosed to the public. As the market system in our nation is affected by some sort of syndicate, this syndicate cycle often causes the market system to become unstable. The penal provisions of the Act shall be enforced to curb these syndicates. Despite the existence of a competition/antitrust regime in Bangladesh with the enactment of the Competition Act 2012, there have been no instances of successful action taken against such cartels or market syndicates. The Essential Articles (Price

⁴¹Preamble of the Essential Articles (Price Control and Anti-Hoarding) Act, 1953

⁴²Section 3(1) of the Essential Articles (Price Control and Anti-Hoarding) Act, 1953

Control and Anti-Hoarding) Act 1953 is understandably silent about its correlation with the competition regime. However, it is expected that these two laws would be fine-tuned to ensure maximum comfort for the citizenry of the country. Although The Trading Corporation of Bangladesh (TCB) has some initiatives including open market sales (OMS) programme of selling key essential items at an affordable price to keep their prices within the buying capacity of common people, they are insufficient compared to the need.

One of the goals of the SDG is to achieve zero hunger. However, with the soaring prices of essential commodities, this goal can never be achieved. The right to food is also enshrined as a fundamental principle of state policy in Article 15(a) of our Constitution. Because of the failure of the government and concerned authorities, the suffering of people due to the excessive price hike has only mounted. Moreover, Bangladesh will officially graduate from its LDC status and become a developing country in 2026 as the UN committee has recommended that the country would get five years, instead of three, to prepare for the transition due to the impact of Covid-19.

However, if this situation of price manipulation persists and is left uncontrolled for an extended time, the cumulative consequences of unreasonable prices for necessities will gradually cause inflation and might have a negative effect on the LDC graduation.

In various ways, price controls can be implemented. They might include government-imposed price caps or floors on specific commodities and services. Price control by the government might sometimes be a side effect of other measures. Preferential exchange rates for specific commodities, for example, as well as the implementation of non-tariff obstacles, can all drive prices away from what would prevail in a competitive market. Price limits on products are frequently applied in emerging markets and developing economies (EMDEs) to achieve social and economic goals. They might be a part of the government's attempts to safeguard disadvantaged customers by resolving market flaws or subsidising the cost of necessities.

A comprehensive overview of the Essential Articles (Price Control and Anti Hoarding) Act 1953 is conveyed by leveraging a mixed-methods approach. From desk review, KIIs, and FGDs, a variety of aspects have been explored, including obstacles in execution, topicality with the current global setting, and trade circumstances. Insights from global policies (Pakistan, the Phillippines, Kenya and China) are contrasted with our country's Act. The relevance of SHE trade with the Act was also covered in this review paper and how this issue can be addressed is also mentioned.

The study's observations are published in chapter four and include various limitations that prevent the Act's effective implementation. The lack of an adequate monitoring system for tracing the sale of basic commodities at a price greater than the maximum price set by the government, difficulties in market monitoring, and a lack of suitable human resources are some of the negatives. This study reveals the issues with setting maximum pricing, regulating the possession of necessities, banning the sale and purchase of goods, ensuring trader licenses, having the authority to force sales, and banning sales withholding. Additionally, it showed the existing situation and difficulties with the ability to enter, inspect, and search as well as the ability to apply sanctions against "Hoarding and Black Market." Inadequacy of research on anti-hoarding and the black market, need to address the motivation behind

stockpiling the products and dishonesty, imprecise listing for dealers, lack of strong communication, lack of a widespread monitoring scheme, lack of proper data and market information, shortage of skilled human resources, fragility in the penalty implementation mechanism, inability to locate dishonest traders promptly.

The important recommendations are detailed in this policy review paper's fifth chapter. Numerous recommendations are gathered following thorough KIIs and FGD during the review. One of the main recommendations was to define the terms "price control" and "essential goods" so that interested parties could carry out their duties more precisely and successfully. The recommendation of a feasibility study for the introduction of a mother act rather than multiple Acts on the same subject is yet another notion. In this situation, the mother Act may go further in putting into effect the required policy for market stabilization. To meet the purposes of any law, however, coordination among the necessary parties is essential; as a result, this law also calls for robust communication among relevant stakeholders and authorities. The study advises launching a suitable procedure in accordance with comparator nations to produce positive results in the event that dishonest traders are eliminated from the economy. The notion of "SHE Trade," which is a crucial concern for an economy like Bangladesh, is also a topic of this policy review paper. This study recommends supporting female entrepreneurs financially and giving them access to trade opportunities so they can maintain their interest in commercial enterprise.

In conclusion, price controls established by the government are often used to help or protect particular groups of marginalized people who could otherwise suffer unfair treatment under an unconstrained pricing system. Furthermore, the Act's goals and regulations may be amended in light of the current economic situation in Bangladesh to facilitate a more seamless recovery from the burden of inflation.

Reference

Ahmed, N. (2020, November 22). How to bring price stability in the market. *The Daily Star*. <https://www.thedailystar.net/opinion/news/how-bring-price-stability-the-market-1998785>

Ahmed, Z. (n.d.). Control of Prices: Bangladesh perspective. *Academia.Edu*. https://www.academia.edu/34156745/Control_of_Prices_Bangladesh_perspective

Asadullah, M. Niaz, and Zaki Wahhaj (2016). *Missing from the Market: Purdah Norm and Women's Paid Work Participation in Bangladesh*. IZA Discussion Paper No. 10463, Bonn, Germany: IZA Institute of Labor Economics. <https://docs.iza.org/dp10463.pdf>

Bangladesh Bureau of Statistics. 2015a. *Bangladesh Economic Census 2013*. Dhaka: Bangladesh Bureau of Statistics (BBS). http://bbs.portal.gov.bd/sites/default/files/files/bbs.portal.gov.bd/page/b734711b_5a89_4d8b_97de_949debfce292/BBS_Publication.pdf

Badruzzaman, M. Analysis of General Principles of Sale of Goods Law in Bangladesh. <https://www.researchgate.net/publication/305516132> Analysis of General Principles of Sale of Goods Law in Bangladesh

Debnath, A. (2019, December 6). Of Illegal Hoarding and Its Penalty. *Daily Sun*. <https://www.daily-sun.com/post/444148/Of-Illegal-Hoarding-And-Its-Penalty>

Desk Report. (2022, March 13). Government official held for hoarding 512 litres of soybean oil. *The Financial Express*. <https://thefinancialexpress.com.bd/national/government-official-held-for-hoarding-512-litres-of-soybean-oil>

Guenette, J. D. (2020). Price Controls: Good Intentions, Bad Outcomes. *World Bank Policy Research Working Paper*, (9212).

Guenette, J. D., Kenworthy, P. G., & Wheeler, C. M. (2022). Implications of the War in Ukraine for the Global Economy. *EFI Policy Note*;3. Washington, DC: World Bank. © World Bank. <https://openknowledge.worldbank.org/handle/10986/37372> License: CC BY 3.0 IGO.”

Hyder, N. A. (2017, April 26). Consumer’s rights protection in Bangladesh. *The Financial Express*. <https://thefinancialexpress.com.bd/views/consumers-rights-protection-in-bangladesh>

Khan, F. (2021, May 6). The essential licenses for doing business in Bangladesh. *The Business Standard*. <https://www.tbsnews.net/thoughts/essential-licenses-doing-business-bangladesh-242215>

Khan, S. (2021). Women entrepreneurs need policy support. *The Financial Express*. <https://thefinancialexpress.com.bd/views/women-entrepreneurs-need-policy-support-1610553864>

Khaton, A. (2020, October 1). *Doing Business in Bangladesh: Overview*. Uk.PracticalLaw.ThomsonReuters.Com. [https://uk.practicallaw.thomsonreuters.com/1-504-7011?transitionType=Default&contextData=\(sc.Default\)&firstPage=true](https://uk.practicallaw.thomsonreuters.com/1-504-7011?transitionType=Default&contextData=(sc.Default)&firstPage=true)

Khatun, F. (2022, May 17). Holistic approach needed to rein in rising prices. *The Daily Star*. <https://www.thedailystar.net/opinion/macro-mirror/news/holistic-approach-needed-rein-rising-prices-3024996>

Mithu, A. I. (2022, March 31). How to bring price stability in the market. *The Daily Star*. <https://www.tbsnews.net/features/panorama/tcbs-operation-much-lower-required-level-394418>

Nasim. (2020, July 26). Steps needed now to stop price hike during Ramadan. *Risingbd.Com*. <https://www.risingbd.com/english/Steps-needed-now-to-stop-price-hike-during-Ramadan/25604>

Procedure to Obtain All the Types of Trade Licenses in Bangladesh. (n.d.) FM Associates. <https://www.fmassociatesbd.com/licensing/procedure-to-obtain-all-the-types-of-trade-licenses-in-bangladesh>

Rahman, M. D. Mustakimur (2020, June 2). To protect rights of the consumers during pandemic. *The Daily Sun* <https://www.thedailystar.net/law-our-rights/news/protect-rights-the-consumers-during-pandemic-1907685>

Reza, M. (2022, March 21). Edible oil price cut in Bangladesh market by tk 8.0 per litre. *The Financial Express*. <https://thefinancialexpress.com.bd/trade/edible-oil-price-cut-in-bangladesh-market-by-tk-80-per-litre-1647833032>

Solotaroff, J. L., Kotikula, A., Lonnberg, T., Ali, S., & Jahan, F. (2019). *Voices to choices: Bangladesh's journey in women's economic empowerment*. World Bank Publications. https://scholar.google.com/scholar?hl=en&as_sdt=0%2C5&q=Solotaroff%2C+Jennifer+L.%2C+Aphichoke+Kotikula%2C+Tara+Lonnberg%2C+Snigdha+Ali%2C+Rohini+P.+Pande%2C+and+Ferdous+Jahan.+2019.+Voices+to+Choices%3A+Bangladesh%27s+Journey+in+Women%27s+Economic+Empowerment.+Washington%2C+D.C.%3A+World+Bank+Group.&btnG=

Star Business Report. (2021, October 28). Bangladesh must remove obstacles to connectivity. *The Daily Star*. <https://www.thedailystar.net/business/economy/industries/investments/news/bangladesh-must-remove-obstacles-connectivity-2208541>

World Bank Group (n.d.). *Women's Participation, Constraints, and Opportunities for Trade in Bangladesh*. World Bank Group. <https://documents1.worldbank.org/curated/en/378451611554787475/pdf/Women-s-Participation-Constraints-and-Opportunities-for-Trade-in-Bangladesh.pdf>

World Economic Forum. 2017. *The Global Gender Gap Report 2017*. Insight Report, Geneva: World Economic Forum. <https://www.weforum.org/reports/the-global-gender-gap-report-2017/>

Annexure

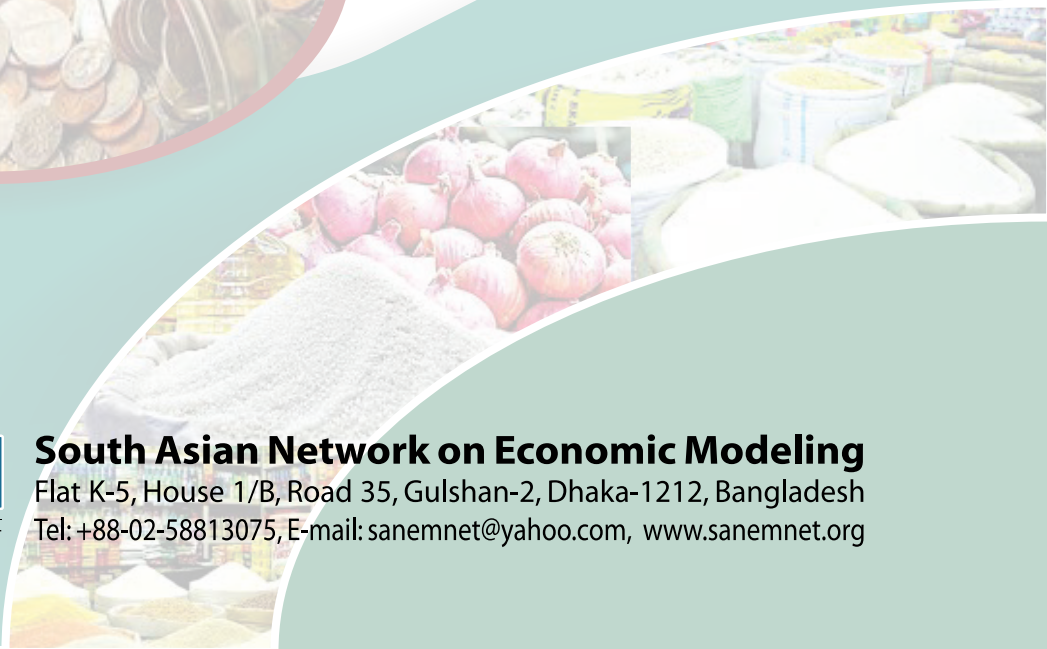
List of KIIs

Organisation/Association	Key informant
Representatives from BTTC	<ul style="list-style-type: none"> Md. Mamun-Ur-Rashid Askari, (Deputy Chief, BTTC) S.M Sumaiya Zabeen, (Assistant Chief, BTTC)
Representatives from the Office of the Chief Controller of Imports and Exports (CCI&E) (2)	<ul style="list-style-type: none"> Md. Masudul Mannan, Controller Md. Sirajul Islam, Assistant Controller
Representative from the Ministry of Commerce	<ul style="list-style-type: none"> Md. Abdur Rahim Khan, Additional Secretary (Export wing)
Representative from NBR	<ul style="list-style-type: none"> Md Mahidul Islam, Inspector, Tax zone 82, Dhaka
Representatives from DNCRP	<ul style="list-style-type: none"> Monjur Mohammad Shahriar, Director (Admin & Finance) Mohammad Hasanuzzaman, Assistant Director (Complaint) Shahnaz Sultana, Assistant Director (Investigation)
Representatives from Export Promotion Bureau (EPB)	<ul style="list-style-type: none"> Mohammad Abdul Halim, Assistant Director (Admin)
The Metropolitan Chamber of Commerce and Industry, Dhaka (MCCI) (3)	<ul style="list-style-type: none"> Asif Ayub (Joint-Secretary General) Saidul Islam (Additional Secretary-General) M. Abdur Rahman (Deputy Chief)
Think Tank	<ul style="list-style-type: none"> Dr Kazi Iqbal, Senior Research Fellow, BIDS

Team Composition

Name of staff	Area of expertise relevant to the assignment	Designation for this assignment	Assigned tasks or deliverables
Dr. Bazlul Haque Khondker	Economist, Institutional analysis expert, Survey expert, FGD and KII expert	Team Leader	Finalize questionnaire, FGD, and KII checklists, Evaluation, and analysis, Draft synthesizing summary, Draft short summaries Finalizing reports
Dr. Selim Raihan	Economist, Political economy and institutional analysis expert, Survey expert, FGD and KII expert	Co-Team Leader, Trade Expert	Coordinating and monitoring the team, monitoring all the activities performed by the team members, finalizing questionnaire, FGD, and KII checklists, Evaluation, and analysis Draft synthesizing summary, Finalising reports.
Mahtab Uddin	Policy analysis and evaluation, Survey expert, FGD and KII expert	Policy Analyst	Monitoring all the activities performed by the team members, finalizing the questionnaire, Coordinating FGDs and KIIs, Evaluation and analysis, and Drafting synthesizing summary.
Mohammad Golam Sarwar	Legislative consultant, development law practitioner	Legal Expert	Analysing the legal terms and provisions of the study, identifying the possible grounds for alterations, extensions, and exclusion of current legal provisions, and providing legal recommendations.

Name of staff	Area of expertise relevant to the assignment	Designation for this assignment	Assigned tasks or deliverables
Mir Ashrafun Nahar	Data analyst, Survey Expert	Senior Research Associate	Desk review, analysing secondary data, designing survey questionnaires for KIIs, supervising the survey, conducting FGDs, analysing primary data, and drafting the reports.
Afia Mubashira Tiasha	Data collection and Supervision	Research Associate	Desk Review, developing KII questionnaire, assisting in conducting the KIIs, conducting FGDs.
Samantha Rahman	Data collection and Supervision	Research Associate	Assisting in developing the KII questionnaire, assisting in conducting the KIIs, and conducting FGDs.
Papri Das	Data collection and drafting	Research Associate	Conducting KIIs and FGDs, and transcribing
Farhin Islam	Data collection and drafting	Research Associate	Conducting KIIs and FGDs, and transcribing
Anindita Sejuti Ahmmad	Transcript	Research Intern	Coordinating KIIs and FGDs and assisting in transcription



SANEM
RESEARCH | KNOWLEDGE | DEVELOPMENT

South Asian Network on Economic Modeling
Flat K-5, House 1/B, Road 35, Gulshan-2, Dhaka-1212, Bangladesh
Tel: +88-02-58813075, E-mail: sanemnet@yahoo.com, www.sanemnet.org