

THE IMPORTS AND EXPORTS (CONTROL) ACT, 1950

ACT NO. XXXIX OF 1950

[19th April, 1950]

***[^]An Act to ¹[* * *] prohibit or control imports and exports.**

WHEREAS it is expedient to ²[* * *] prohibit, restrict or otherwise control imports into and exports from Bangladesh;

It is hereby enacted as follows:-

Short title,
extent ³[and
commencement]

1. (1) This Act may be called the Imports and Exports (Control) Act, 1950.

(2) It extends to the whole of Bangladesh.

(3) It shall come into force ⁴[at once].

Definitions

2. In this Act-

(a) “Chief Controller” means the officer appointed by the Government to perform the duties of Chief Controller of Imports and Exports under this Act;

* Throughout this Act, the word “Government” was substituted for the words “Central Government” by section 2 of the Imports and Exports (Control) (Amendment) Act, 1975 (Act No. XXII of 1975).

[^] Throughout this Act, the word “Bangladesh” was substituted for the word “Pakistan” by section 3 of the Imports and Exports (Control) (Amendment) Act, 1975 (Act No. XXII of 1975).

¹ The words “continue for a limited period powers to” were omitted by section 3 of the Imports and Exports (Control) (Amendment) Act, 1975 (Act No. XXII of 1975).

² The words “continue for a limited period powers to” were omitted by section 3 of the Imports and Exports (Control) (Amendment) Act, 1975 (Act No. XXII of 1975).

³ The words “and commencement” were substituted for the comma and words “, commencement and duration” by section 4 of the Imports and Exports (Control) (Amendment) Act, 1975 (Act No. XXII of 1975).

⁴ The words “at once” were substituted for the words and comma “immediately, and shall remain in force for a period of twenty-five years” by section 4 of the Imports and Exports (Control) (Amendment) Act, 1975 (Act No. XXII of 1975).

- (b) “Collector of Customs” means an officer appointed as such under ¹[section 3] of the Customs Act, 1969 (IV of 1969); and
- (c) “import” and “export” mean respectively bringing into, and taking out of, Bangladesh by sea, land or air.

3. (1) The Government may, by order published in the *official Gazette* and subject to such conditions and exceptions as may be made by or under the order, prohibit, restrict or otherwise control the import or export of goods of any specified description, or regulate generally all practices (including trade practices) and procedure connected with the import or export of such goods, and such order may provide for applications for licences under this Act, the evidences to be attached to such applications, the grant, use, transfer, sale or cancellation of such licences, and the form and manner in which and the periods within which appeals and applications for review or revision may be preferred and disposed of, and the charging of fees in respect of any such matter as may be provided in such order.

Powers to prohibit or restrict imports and exports

(2) No goods of the specified description shall be imported or exported except in accordance with the conditions of a licence to be issued by the Chief Controller or any other officer authorised in this behalf by the Government.

(3) All goods to which any order under sub-section (1) applies shall be deemed to be goods of which the import or export has been prohibited or restricted under section 16 of the Customs Act, 1969 (IV of 1969), and all the provisions of that Act shall have effect accordingly.

(4) Notwithstanding anything contained in the aforesaid Act, the Government may, by order published in the *official Gazette*, prohibit, restrict or impose conditions on the clearance whether for home consumption or ware-housing or shipment abroad of any imported goods or class of goods.

¹ The word and figure “section 3” was substituted for the word and figure “section 2” by section 5 of the Imports and Exports (Control) (Amendment) Act, 1975 (Act No. XXII of 1975).

Continuance of existing orders

4. All orders made under section 3 of the Imports and Exports (Control) Act, 1947, and in force immediately before the commencement of this Act, shall so far as they are not inconsistent with the provisions of this Act, continue in force and shall be deemed to have been made under this Act.

Prohibition to sell or purchase import licence

¹**[4A.** No person shall sell, purchase or otherwise deal in any import licence other than an import licence issued under the Export Bonus Scheme.

Explanation.- In this section “Export Bonus Scheme” means the scheme introduced by Government ²[* * *].

Prohibition regarding sale and transfer of goods by industrial consumer

4B. Except with the previous permission in writing of the Chief Controller or any other officer authorised in this behalf by the Government, no person who in his capacity as industrial consumer, imports any goods against a licence issued to him or, where no licence is required for the import of such goods by an industrial consumer, without any licence, shall sell or otherwise transfer such goods or use the goods for a purpose other than the purpose or purposes for which the licence was issued or such goods were imported.]

Penalty

5. If any person contravenes any provision of this Act or any order made or deemed to have been made under this Act or the rules made thereunder, or makes use of an import or export licence otherwise than in accordance with any condition in that behalf imposed under this Act, he shall without prejudice to any confiscation or penalty to which he may be liable under the provisions of the Customs Act, 1969 (IV of 1969), as applied by sub-section (3) of section 3 of this Act be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

Cognizance of offences

6. No court shall take cognizance of any offence punishable under section 5 except upon complaint in writing made,-

- (a) in the case of an offence which is punishable both under this Act or the rules made thereunder and also, whether by confiscation or otherwise, under the Customs Act, 1969 (IV of 1969), by a Collector of Customs or by an officer of Customs authorised in writing in this behalf by a Collector of Customs, or

¹ Sections 4A and 4B were inserted by section 4 of the Imports and Exports (Control) (Amendment) Ordinance, 1962 (Ordinance No. XXIX of 1962).

² The words “of Pakistan” were omitted by section 6 of the Imports and Exports (Control) (Amendment) Act, 1975 (Act No. XXII of 1975).

- (b) in the case of any other offence by the Chief Controller or by an officer authorised by him in writing in this behalf;

and no court inferior to that of a Magistrate of the first class shall try any such offence.

7. No order made or deemed to have been made under this Act shall be called in question in any court, and no suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act or any rules made thereunder or any order made or deemed to have been made thereunder. Savings

8. The Government may make rules not inconsistent with this Act for carrying out the purposes of this Act. Power to make rules

9. [*Repeal.- Repealed by section 2 and 1st Schedule of the Repealing and Amending Ordinance, 1965 (Ordinance No. X of 1965).*]