

**THE ESSENTIAL ARTICLES (PRICE CONTROL AND
ANTI-HOARDING) ACT, 1953**

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THE ESSENTIAL ARTICLES (PRICE CONTROL AND ANTI-HOARDING) ACT, 1953

ACT NO. XXII OF 1953

[5th October, 1953]

An Act to make provision for the control of supply and distribution of, and trade and commerce in, certain limited number of essential commodities. *

WHEREAS it is expedient to make provision for the control of supply and distribution of, and trade and commerce in, certain limited number of essential commodities;

It is hereby enacted as follows:-

1. (1) This Act may be called the Essential Articles (Price Control and Anti-Hoarding) Act, 1953.

Short title,
extent and
commencement

(2) It extends to the whole of ¹[Bangladesh].

(3) It shall come into force at once.

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

Definitions

(a) “essential article” means any article, other than an article which is an “essential commodity” within the meaning of section 2 of the ¹[* * *] 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;

(b) “family” includes all persons who live in a private house and are members of the same mess;

* Throughout this Act, the word “Government” was substituted for the words “Provincial Government” by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

¹ The word “Bangladesh” was substituted for the words “East Pakistan” by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² The words “East Pakistan” were omitted by Article 6 of the Bangladesh (Adaptation of Existing Bangladesh Laws) Order, 1972 (President’s Order No. 48 of 1972).

- (c) “notification” means a notification published in the *official Gazette*;
- (d) “prescribed” means prescribed by rules made under this Act;
- (e) “retailer” means a trader who sells any essential article directly to a consumer;
- (f) “trader” means any person engaged in the purchase, sale or storage for sale of any essential article; and
- (g) “wholesaler” means a trader other than a retailer.

Power to fix prices and to require marking of prices

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 ¹[country].

(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.

(3) A notification under sub-section (1) shall specify date from which and the period for which the maximum price has been fixed.

Prohibition against purchase, sale, etc., at prices exceeding the maximum price

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.

(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 sub-section (2) of section 3, unless such article has been so marked.

¹ The word “country” was substituted for the word “Province” by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

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 in excess of the quantity specified in such notification.

Power to control possession of essential article

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.

(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 to such officer as may be empowered in this behalf by the Government and shall take such action as to storage, distribution or disposal of the excess quantity as the Government or such officer may direct.

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 licence issued, in this behalf by the Government, on payment of such fees and in such manner and form as may be prescribed. An application for such licence shall be accompanied by such fee as may be prescribed.

Power to require licence for trading

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.

Power to compel sales to specified person

8. No trader shall, unless previously authorised to do so by the Government, withhold from sale or refuse to sell to any person, any essential article in quantities not contrary to the normal practices of his business.

Prohibition against withholding of sales

Power to require maintenance of accounts, etc., and registration of godowns

9. (1) Any officer, authorised in 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;
- (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
- (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.

(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.

Power to enter, inspect, search, etc.

10. Any officer, authorised in 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;
- (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;
- (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;

- (d) inspect or cause to be inspected any books, accounts, vouchers or other documents relating to such transactions; and
- (e) take or cause to be taken extracts from, or copies of, any document relating to such transactions.

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 ¹[Government].

Provisions of the Act not to apply in case of Government purchase etc.

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.

Power to exempt

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.

Penalties

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.

Attempts and abetments

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.

Delegation of power

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 ²[* * *] Penal Code.

Public servant

17. The Government may make rules for carrying out the purposes of this Act.

Power to make rules

¹ The word "Government" was substituted for the words "Provincial Government or the Central Government" by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² The word "Pakistan" was omitted by Article 6 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

Indemnity

18. (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 provision of this Act and the rules made thereunder.

(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.

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).*]

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