

**THE TEA (CONTROL OF PRICES, DISTRIBUTION
AND MOVEMENT) ORDINANCE, 1960**

CONTENTS

SECTIONS

1. Short title, extent and commencement
 2. Definitions
 3. Registration of dealers
 4. Power to refuse, suspend or cancel registration
 5. Forward transaction banned
 6. Restrictions on dealings in tea
 7. Duty to declare possession of excess stocks
 8. Fixation of prices
 9. Fixation of quantities of tea to be held by approved dealers, etc.
 10. Restrictions on possession and sale of tea where maximum is fixed under section 9
 11. Power to order sale
 12. Restrictions on movements of tea
 13. Information to be furnished by importers
 14. Disposal of imports
 15. Declaration of godowns, store-houses and ware-houses
 16. Information to be furnished by blenders
 17. Maintenance of records, etc.
 18. Marking of prices and exhibition of price lists
 19. Cash memorandum to be given in certain cases
 20. Refusal to sell
 21. Offences and penalties
 22. Attempts and abetments
 23. Offences by corporations
 24. False statements
 25. Cognizance of offences
 26. Power to try offences summarily
 27. Special provisions regarding fines
 28. Presumption as to orders
 29. Protection of action taken in good faith
 30. Delegation of powers
 31. Ordinance not to apply to Government transactions
 32. Power to make rules
 33. Power to exempt
 34. Ordinance in addition to other laws, etc.
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**THE TEA (CONTROL OF PRICES, DISTRIBUTION
AND MOVEMENT) ORDINANCE, 1960**

ORDINANCE NO. XXVIII OF 1960

[6th July, 1960]

**An Ordinance to provide for special measures for the
control of prices, distribution and movement of tea.***

WHEREAS it is expedient to provide for special measures for the control of prices, distribution and movement of tea;

NOW, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:-

1. (1) This Ordinance may be called the Tea (Control of Prices, Distribution and Movement) Ordinance, 1960.

Short title,
extent and
commencement

(2) It extends to the whole of Bangladesh.

(3) It shall come into force at once.

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

Definitions

(a) "approved dealer" means a dealer in tea registered under this Ordinance as a bidder, blender, importer, wholesaler or retailer;

¹[* * *]

(b) "bidder" means a person who bids at internal tea auctions for the purpose of buying tea either for himself or on behalf of others, and includes a broker;

* Throughout this Ordinance, the word "Bangladesh", "Government" and "taka" were substituted respectively for the words "Pakistan", "appropriate Government" and "rupees" by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

¹ Clause (aa) was omitted by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

- (c) “blender” means a person engaged in the business of buying and blending tea and preparing packets or other containers of tea for distribution;
- (d) “brewed tea” means tea prepared for drinking, whether with or without milk, sugar or *gur*;
- (e) “broker” includes a commission agent;
- ¹[(ee) “Chairman” means the Chairman of the Bangladesh Tea Board and includes any officers authorised by the Government to exercise all or any of the powers of the Chairman under this Ordinance;]
- (f) “Controller-General” means the Controller-General of Prices and Supplies appointed by the Government, and includes any Additional, Deputy or Assistant Controller-General so appointed, and any other officer authorised by the Government to exercise all or any of the powers of the Controller-General under this Ordinance;
- (g) “dealer” means a person who deals in tea as a bidder, blender, importer, wholesaler or retailer;
- (h) “importer” means a person who imports into Bangladesh tea from outside Bangladesh;
- (i) “prescribed” means prescribed by rules made under this Ordinance;
- (j) “retailer” means a person carrying on the business of selling tea in retail, whether in conjunction with any other business or not;
- (k) “tea” includes blended and unblended tea, tea leaf, tea fanning, tea dust, tea contained in packets or other containers and brewed tea; and
- (l) “wholesaler” means a person carrying on the business of selling tea wholesale, whether in conjunction with any other business or not.

¹ Clause (ee) was inserted by Article 2 of the Tea (Control of Prices, Distribution and Movement) Ordinance (Amendment) Order, 1972 (President’s Order No. 160 of 1972).

Registration of dealers

3. ¹[(1) The Chairman shall maintain separate registers, in such forms as may be prescribed, for registration of bidders, blenders, wholesalers and retailers, and may register any person in such register on an application made to him, giving such particulars, in such form, and on payment of such fees as may be prescribed, and subject to such conditions, if any, as the Chairman may think fit to impose.

(1A) The Controller-General shall maintain separate registers for registration of importers, and register any person in such register, in the manner indicated in sub-section (1).]

(2) The Controller-General ²[or, as the case may be, the Chairman] may require any person applying for registration under sub-section (1) to furnish such further particulars and information and to produce such documents as the Controller-General ³[or, as the case may be, the Chairman] may consider necessary for the purpose.

(3) The Controller-General ⁴[or, as the case may be, the Chairman] shall notify in the *official Gazette* the name of every person registered under sub-section (1).

(4) Nothing in this section shall be construed as precluding a person registered in any one of the registers maintained under sub-section (1) from being registered in any other register so maintained.

¹ Sub-section (1) and (1A) were substituted for former sub-section (1) by Article 3 of the Tea (Control of Prices, Distribution and Movement) Ordinance (Amendment) Order, 1972 (President's Order No. 160 of 1972).

² The words and commas "or, as the case may be, the Chairman" were inserted by Article 4 of the Tea (Control of Prices, Distribution and Movement) Ordinance (Amendment) Order, 1972 (President's Order No. 160 of 1972).

³ The words and commas "or, as the case may be, the Chairman" were inserted by Article 4 of the Tea (Control of Prices, Distribution and Movement) Ordinance (Amendment) Order, 1972 (President's Order No. 160 of 1972).

⁴ The words and commas "or, as the case may be, the Chairman" were inserted by Article 4 of the Tea (Control of Prices, Distribution and Movement) Ordinance (Amendment) Order, 1972 (President's Order No. 160 of 1972).

Power to refuse,
suspend or
cancel
registration

4. (1) No dealer shall be entitled to registration under sub-section (1) of section 3 as of right, and registration may be refused, or, if granted, may be suspended or cancelled for any one of the following reasons, that is to say,-

- (a) for contravening or failing to comply with any provision of this Ordinance, or the rules or orders made thereunder;
- (b) for contravening or failing to comply with any condition imposed by the Controller-General ¹[or, as the case may be, the Chairman] at the time of registration under section 3;
- (c) for under-invoicing or over-invoicing the value of imports or exports of tea;
- (d) for obtaining or attempting to obtain registration under this Ordinance by fraudulent means or wilful misrepresentation;
- (e) for indulging in activities which in the opinion of the Controller-General ²[or, as the case may be, the Chairman] are detrimental to public interest.

(2) Any person aggrieved by an order under sub-section (1) may appeal against the order to the Government, within such time as may be prescribed, and the order of the Government thereon shall be final.

Forward
transaction
banned

5. (1) All sales at internal auctions of tea shall be on immediate payment basis, and all kinds of speculative forward transactions in tea are hereby prohibited.

(2) Any such transaction as aforesaid outstanding immediately before the promulgation of this Ordinance shall, notwithstanding anything in any agreement, contract, deed or other document, be void.

¹ The words and commas "or, as the case may be, the Chairman" were inserted by Article 4 of the Tea (Control of Prices, Distribution and Movement) Ordinance (Amendment) Order, 1972 (President's Order No. 160 of 1972).

² The words and commas "or, as the case may be, the Chairman" were inserted by Article 4 of the Tea (Control of Prices, Distribution and Movement) Ordinance (Amendment) Order, 1972 (President's Order No. 160 of 1972).

6. No person, not being an approved dealer, shall at any one time hold in stock, purchase, sell, or agree to purchase or sell tea weighing three hundred pounds or more.

Restrictions on dealings in tea

7. Any person having in his possession a quantity of tea exceeding that permitted by or under this Ordinance shall forthwith report the fact to the Controller-General ¹[or, as the case may be, the Chairman] and shall take such action as to the storage, distribution and disposal of the excess quantity as the Controller-General ²[or, as the case may be, the Chairman] may direct.

Duty to declare possession of excess stocks

8. The Controller-General ³[or, as the case may be, the Chairman] may, from time to time, by notification in the *official Gazette*, fix the maximum prices up to which any variety of tea may be sold by (a) a blender, (b) an importer (c) a wholesaler, (d) a retailer, or (e) any other person or class of persons, and no person shall sell or resell tea at prices higher than the prices so fixed.

Fixation of prices

Explanation. - It shall not be a contravention of this section to sell or resell tea at prices lower than the prices fixed under this section.

9. The Controller-General ⁴[or, as the case may be, the Chairman] may, by notification in the *official Gazette*, fix in respect of any grade or variety of tea-

Fixation of quantities of tea to be held by approved dealers, etc.

- (a) the maximum quantity which may at any time be possessed by an approved dealer or class of approved dealers;

¹ The words and commas "or, as the case may be, the Chairman" were inserted by Article 4 of the Tea (Control of Prices, Distribution and Movement) Ordinance (Amendment) Order, 1972 (President's Order No. 160 of 1972).

² The words and commas "or, as the case may be, the Chairman" were inserted by Article 4 of the Tea (Control of Prices, Distribution and Movement) Ordinance (Amendment) Order, 1972 (President's Order No. 160 of 1972).

³ The words and commas "or, as the case may be, the Chairman" were inserted by Article 4 of the Tea (Control of Prices, Distribution and Movement) Ordinance (Amendment) Order, 1972 (President's Order No. 160 of 1972).

⁴ The words and commas "or, as the case may be, the Chairman" were inserted by Article 4 of the Tea (Control of Prices, Distribution and Movement) Ordinance (Amendment) Order, 1972 (President's Order No. 160 of 1972).

- (b) the maximum quantity which may in any one transaction be sold by an approved dealer or class of approved dealers to another approved dealer or class of approved dealers; and
- (c) the maximum quantity which may at any one time be purchased by any approved dealer or class of approved dealers.

Restrictions on possession and sale of tea where maximum is fixed under section 9

10. No approved dealer shall-

- (a) have in his possession at any one time stock of tea exceeding the maximum fixed by notification under clause (a) of section 9, or,
- (b) sell or offer for sale to any person in any one transaction tea exceeding the maximum fixed by notification under clause (b) of section 9.

Power to order sale

11. The Controller-General ¹[or, as the case may be, the Chairman] may by order in writing require any approved dealer to sell to such person or persons such quantity of tea as may be specified in the order, and may issue such incidental or supplementary instructions in writing to any approved dealer in regard to the sale thereof as he thinks fit.

Restrictions on movements of tea

12. Notwithstanding any agreement to the contrary, the Controller-General or any other officer empowered in this behalf by the Government may, by a general or special order in writing, prohibit the transport of tea from one place to another within Bangladesh by or on behalf of any dealer or other person, and direct such dealer or person to sell or deliver the whole or any part of the tea held by him to any person or persons specified in the order.

Information to be furnished by importers

13. (1) Every importer, shall, within fourteen days from the date of receiving intimation of despatch of any consignment of tea from any place outside Bangladesh, furnish to the Controller-General ²[or, as the case may be, the Chairman] by

¹ The words and commas "or, as the case may be, the Chairman" were inserted by Article 4 of the Tea (Control of Prices, Distribution and Movement) Ordinance (Amendment) Order, 1972 (President's Order No. 160 of 1972).

² The words and commas "or, as the case may be, the Chairman" were inserted by Article 4 of the Tea (Control of Prices, Distribution and Movement) Ordinance (Amendment) Order, 1972 (President's Order No. 160 of 1972).

registered post, acknowledgement due, the following information in respect of the consignment, namely: -

- (a) grade or variety and quantity of tea included in the consignment;
- (b) expected date and place of arrival of the consignment in Bangladesh; and
- (c) how the stocks of tea are proposed to be disposed of on arrival.

(2) Every importer shall, within fourteen days of the clearance of the consignment from the customs, furnish to the Controller-General ¹[or, as the case may be, the Chairman] the following information supported by original documents in respect of the consignment, namely:-

- (a) grade or variety and quantity of tea included in the consignment;
- (b) landed cost of the consignment showing C.I.F. value customs duty, sales tax, and other incidental charges, if any, separately.

14. No importer shall sell or otherwise dispose of any consignment of tea imported by him except in accordance with such written instructions as may be issued to him by the Controller-General ²[or, as the case may be, the Chairman] in this behalf.

Disposal of imports

15. Any dealer may be required by the Controller-General ³[or, as the case may be, the Chairman] to declare the situation and descriptive particulars of any place other than his usual place of business where he keeps or stores tea, and after making such declaration he shall not keep or store tea elsewhere than at such place or his usual place of business.

Declaration of godowns, store-houses and ware-houses

¹ The words and commas "or, as the case may be, the Chairman" were inserted by Article 4 of the Tea (Control of Prices, Distribution and Movement) Ordinance (Amendment) Order, 1972 (President's Order No. 160 of 1972).

² The words and commas "or, as the case may be, the Chairman" were inserted by Article 4 of the Tea (Control of Prices, Distribution and Movement) Ordinance (Amendment) Order, 1972 (President's Order No. 160 of 1972).

³ The words and commas "or, as the case may be, the Chairman" were inserted by Article 4 of the Tea (Control of Prices, Distribution and Movement) Ordinance (Amendment) Order, 1972 (President's Order No. 160 of 1972).

Information to be furnished by blenders

16. Every blender shall furnish to the Controller-General ¹[or, as the case may be, the Chairman] so as to reach him by the fifteenth day of each calendar month the following information, namely:-

- (a) grade or variety and actual or estimated quantity of tea blended during the preceding calendar month;
- (b) the actual or estimated cost of blending such tea ; and
- (c) the manner in which and the persons to whom the blender proposes to dispose of the same.

Maintenance of records, etc.

17. (1) Every approved dealer shall keep such books, accounts and records relating to the business carried on by him as the Controller-General ²[or, as the case may be, the Chairman] may require from time to time.

(2) Every dealer or other person holding stocks of tea and every person employed in connection with the business of such dealer or other person, on being required so to do either by notice served on him or by special or general direction issued by the Controller-General ³[or, as the case may be, the Chairman], shall-

- (a) produce before such person as may be specified in the notice or direction such accounts and other documents as may be specified in the notice or direction;
- (b) furnish to the Controller-General ⁴[or, as the case may be, the Chairman] such estimates, returns and other information relating to the business as may be specified in the notice or direction ; and

¹ The words and commas "or, as the case may be, the Chairman" were inserted by Article 4 of the Tea (Control of Prices, Distribution and Movement) Ordinance (Amendment) Order, 1972 (President's Order No. 160 of 1972).

² The words and commas "or, as the case may be, the Chairman" were inserted by Article 4 of the Tea (Control of Prices, Distribution and Movement) Ordinance (Amendment) Order, 1972 (President's Order No. 160 of 1972).

³ The words and commas "or, as the case may be, the Chairman" were inserted by Article 4 of the Tea (Control of Prices, Distribution and Movement) Ordinance (Amendment) Order, 1972 (President's Order No. 160 of 1972).

⁴ The words and commas "or, as the case may be, the Chairman" were inserted by Article 4 of the Tea (Control of Prices, Distribution and Movement) Ordinance (Amendment) Order, 1972 (President's Order No. 160 of 1972).

- (c) permit any person or persons of a class or description mentioned in the notice or direction to enter upon, inspect and search with a view to securing compliance with this Ordinance or the rules or orders made thereunder any premises used for or in connection with the business, and seize all stocks of tea in respect of which such person or persons have reason to believe that a contravention of this Ordinance or the rules or orders made thereunder has been, is being, or is about to be, committed.

18. (1) Every blender shall mark the retail sale price on each packet or other container of tea or on a label affixed to each packet or container.

Marking of prices and exhibition of price lists

(2) Every dealer shall maintain and exhibit on his premises a price list of all kinds of tea exposed or intended for sale.

(3) No dealer shall destroy, efface or alter or cause to be destroyed, effaced or altered the prices marked and exhibited under sub-sections (1) and (2).

19. Every dealer when selling tea for cash shall, if the sale is for five taka or more in all cases, and if the sale is for less than five taka, when so requested by the purchaser, give the purchaser a cash memorandum containing particulars of the transaction:

Cash memorandum to be given in certain cases

Provided that the provisions of this section shall apply only to those dealers who are liable to pay income-tax.

20. No dealer shall without reasonable excuse refuse to sell to any person any quantity of tea not exceeding the maximum fixed by or under this Ordinance.

Refusal to sell

Explanation.- The possibility or expectation of obtaining a higher price at a later date shall not be deemed to be a reasonable excuse within the meaning of this section, but it shall not be a contravention of this section to refuse to supply tea to a retailer or a consumer in excess of his normal quota or reasonable requirements determined in accordance with the established system of distribution, in case such system is equitable and is in keeping with established commercial and trade practice.

Offences and penalties

21. (1) If any person contravenes any provision of this Ordinance or any rule or order made thereunder, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both, and any Court trying such contravention may direct that any stocks of tea in respect of which such contravention has been made shall be forfeited to Government.

(2) The owner of any vessel, conveyance or animal carrying any tea in respect of which any provision of this Ordinance or any rule or order made thereunder has been contravened shall, if the carrying is part of the transaction involving the contravention and if he knew or had reason to believe that the contravention was being committed, be deemed to have contravened the provisions of this Ordinance and in addition to the punishment to which he is liable under sub-section (1), the vessel, conveyance or animal shall also be liable to be forfeited to Government.

Attempts and abetments

22. Any person who attempts to contravene, or abets the contravention of any provision of this Ordinance or any rule or order made thereunder shall be deemed to have contravened the provisions of this Ordinance.

Offences by corporations

23. If the person contravening any provision of this Ordinance or any rule or order made thereunder is a company or other body corporate, every director, manager, secretary or other officer or agent thereof shall, unless he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.

False statements

24. Any person who,-

- (a) when required by or under this Ordinance to make any statement or furnish any information, makes any statement or furnishes any information which is false in any material particular and which he knows or has reasonable cause to believe to be false, or does not believe to be true, or
- (b) makes any statement as aforesaid in any book, account, record, declaration, return or other document which he is required by or under this Ordinance to maintain or furnish,

shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

25. No Court shall take cognizance of an offence punishable under this Ordinance except with the previous sanction in writing of the Government, or of an officer or other authority empowered for the purpose by the Government.

Cognizance of offences

26. Any magistrate or bench of magistrates empowered for the time being to try in a summary way the offences specified in sub-section (1) of section 260 of the Code of Criminal Procedure, 1898, may, on application in this behalf being made by the prosecution, try in accordance with the provisions contained in sections 262 to 265 of the said Code any offence punishable under this Ordinance.

Power to try offences summarily

27. Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898, it shall be lawful for any magistrate of the first class especially empowered by the ¹[Government] in this behalf to pass a sentence of fine exceeding one thousand taka on any person convicted of an offence under this Ordinance.

Special provisions regarding fines

28. (1) No order made in exercise of any power conferred by or under this Ordinance shall be called in question in any Court.

Presumption as to orders

(2) Where any order purports to have been made and signed by an authority in exercise of any power conferred by or under this Ordinance, a Court shall, within the meaning of the Evidence Act, 1872 presume that such order was so made by that authority.

29. (1) No suit or 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 this Ordinance or any rule or order made thereunder.

Protection of action taken in good faith

¹ 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).

(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 Ordinance or any rule or order made thereunder.

Delegation of Powers

¹[**30.** The Government may, by notified order, direct that all or any of its powers under this Ordinance or the rules made thereunder shall in relation to such matters and subject to such conditions, if any, as may be specified in the direction, be exercisable also by such officer or authority subordinate to the Government as may be specified in the direction.]

Ordinance not to apply to Government transactions

31. Nothing in this Ordinance shall apply to the possession or sale of any quantity of tea by a dealer or other person in the course of the fulfilment of a contract entered into with the ²[Government].

Power to make rules

32. The Government may, by notification in the *official Gazette* make rules for carrying out the purposes of this Ordinance.

Power to exempt

33. The Government may, by order notified in the *official Gazette*, exempt any person or class of persons or any grade, variety or stock of tea from the operation of all or any of the provisions of this Ordinance to such extent and subject to such conditions, if any, as may be specified in the order.

Ordinance in addition to other laws, etc.

34. The provisions of this Ordinance shall be in addition to and not in derogation of any other laws for the time being in force relating to the control of prices, distribution and movement of tea.

¹ Section 30 was substituted by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² The word "Government" was substituted for the words "Central Government or a Provincial Government" by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).