

The Tea (Control of Prices, Distribution and Movement) Ordinance, 1960

(Ordinance NO. XXVIII OF 1960)

An Ordinance to provide for special measures for the control of prices, distribution and movement of tea.^{1♣}

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:-

**Short title,
extent and
commencement**

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

(2 It extends to the whole of Bangladesh.

(3) It shall come into force at once.

Definitions

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

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

²[* * *]

(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;

(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;

³[(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.

Registration of dealers

3. ⁴[(l) 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 ⁵[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 ⁶[or, as the case may be, the Chairman] may consider necessary for the purpose.

(3) The Controller-General ⁷[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.

**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 ⁸[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 ⁹[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.

Restrictions on dealings in tea

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.

Duty to declare possession of excess stocks

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 ¹⁰[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 ¹¹[or, as the case may be, the Chairman] may direct.

Fixation of prices

8. The Controller-General ¹²[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.

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.

Fixation of quantities of tea to be held by

9. The Controller-General ¹³[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-

Tea approved

dealers, etc.

- (a) the maximum quantity which may at any time be possessed by an approved dealer or class of approved dealers;
- (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 ¹⁴[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 ¹⁵[or, as the case may be, the Chairman] by 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;