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GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH

MINISTRY OF COMMERCE

Commerce Division

ORDER

Dacca, the 6th February, 1981

No. S.R.O. 47-L/81.—In exercise of the powers conferred by section 3 of the Control of Essential Commodities Act, 1956 (E. P. Act I of 1956), the Government is pleased to make the following Order, namely:—

THE ESSENTIAL COMMODITIES CONTROL ORDER, 1981

1. **Short title.**—This Order may be called The Essential Commodities Control Order, 1981.

2. **Definitions.**—In this Order, unless the context otherwise requires,—

(a) “dealer” means a person or firm carrying on, in conjunction with any other person or not, the business of selling any scheduled article, whether wholesale or retail; but does not include the Trading Corporation of Bangladesh established under the Trading Corporation of Bangladesh Order, 1972 (P. O. No. 68 of 1972) and the Bangladesh Consumer Supplies Corporation established under the Bangladesh Consumer Supplies Corporation Order, 1972 (P. O. No. 47 of 1972);

(b) “Deputy Commissioner” means the Deputy Commissioner of a District and includes any other officer authorised by the Deputy Commissioner in writing to perform all or any of his functions under this Order;

- (c) "Director General" means the Director General of Prices and Market Intelligence and includes the Director of Prices or any Deputy Director or Assistant Director General of Prices and Market Intelligence or Assistant Director or any other officer authorised in this behalf by the Director General to exercise all or any of his powers under this Order;
- (d) "Director" means the Director of Market Intelligence and Enforcement and includes a Deputy Director or Assistant Director or any other officer authorised by the Director General to exercise all or any of his powers under this Order;
- (e) "Form" means a form appended to this Order;
- (f) "importer" means a person or firm importing into Bangladesh, whether under an import licence granted by the Government or otherwise, any scheduled article, from outside Bangladesh; but does not include the Trading Corporation of Bangladesh established under the Trading Corporation of Bangladesh Order, 1972 (P. O. No. 68 of 1972), and the Bangladesh Consumer Supplies Corporation established under the Bangladesh Consumer Supplies Corporation Order, 1972 (P. O. No. 47 of 1972);
- (g) "producer" means a person or a firm engaged in the manufacture or production of any scheduled article; and
- (h) "scheduled article" means an article specified in the Schedule annexed to this Order.

3. **Approved dealer.**—(1) The Director may, from time to time, by notification in the official Gazette specify, in respect of any scheduled article, the dealers who shall be the approved dealers in that article for the purpose of this Order, and thereupon, subject to clause (2), no importer or producer of that article shall, except with the prior permission, in writing, of the Director, sell or otherwise dispose of any such article to any person who is not an approved dealer.

(2) The Director may, by order in writing, require any importer or producer to sell to an approved dealer such quantity of any scheduled article as may be specified in the order, and may issue such incidental or supplementary instructions in writing to any importer or producer or dealer in regard to sale thereof as he thinks fit.

4. **Maximum price.**—(1) The Director General may, by notification in the official Gazette, fix the maximum price above which no importer, producer or dealer, whether approved or otherwise, shall sell any scheduled article. Different prices of scheduled articles may be fixed by the Director General for different localities or for different classes of importers, producers or dealers.

(2) The Director General may, for the purpose of eliminating undue profiteering and for the purpose of periodical check on the prices due to changed circumstances, call for the relevant data relating to import, production, price, stock, sales and price structure from the producer, importer and dealer and refix the price of scheduled articles.

(3) Every importer, producer or dealer will communicate to the Director General his intention of increasing the price of any scheduled article and the Director General may, on receipt of such communication by an order in writing, request such importer, producer or dealer to produce before him within a period specified in such order any document in his possession or under his control relating to the import, production and supply of such article and prices thereof.

(4) The Director General, on receipt of such documents and after duly scrutinising them, may approve such increase or reject the proposal or re-fix the price by some down rate.

5. Marking of prices and exhibiting price-list.—(1) The Director may, in writing, direct any importer, producer or dealer to mark the price on the scheduled articles exposed or intended for sale and to exhibit in his premises a price list of such articles held by him for sale or publish the sale price of such articles possessed by him for sale; and may also give any directives regarding the manner of sale.

(2) No importer, producer or dealer shall destroy, efface or alter or cause to be destroyed, effaced or altered any label or mark affixed to scheduled articles indicating the price mark by an importer, producer or dealer.

6. Refusal of sale.—No importer, producer or dealer shall, unless previously authorised to do so by the Director, refuse to sell to any person any scheduled article.

7. Cash memorandum.—Every importer, producer or dealer, when selling any scheduled article in cash, shall give the purchaser a cash memo. containing the particulars of transaction and detailed address of the purchaser.

8. Information to be furnished by importers.—(1) Every importer shall, within one week from the date of receipt of information of despatch of a consignment containing any scheduled article from any place outside Bangladesh, furnish to the Director-General and the Director, by registered post with acknowledgement due, the following information in respect of the consignment, namely :—

- (a) description of the quantity of scheduled article or articles included in the consignment;
- (b) expected date and place of arrival of the consignment in Bangladesh; and
- (c) manner of disposal of the scheduled articles on arrival.

(2) Every importer shall, within two weeks of the arrival of the consignment furnish to the Director General and the Director the following information in respect of the consignment, namely :—

- (a) description of the quantity of the scheduled articles included in the consignment;
- (b) landed cost of each item of the scheduled articles showing C. I. F. value, customs-duty and other incidental charges, if any, separately;
- (c) indenting commission including the invoiced value of the consignment.

9. **Information to be furnished by the producer.**—Every producer of scheduled articles shall furnish the following information to the Director General and the Director so as to reach them by the 10th day of each calendar month, namely :—

- (a) description and actual quantity of the scheduled article produced in the preceding calendar month;
- (b) expected quantity of the scheduled article to be produced during the current month;
- (c) the actual or estimated cost of production of such articles; and
- (d) manner of disposal of the produced articles.

10. **Power of taking action to co-ordinate production with demand.**—If the Director is satisfied that in order to co-ordinate the production of any scheduled article with the demand action is necessary, he may—

- (a) prohibit, with effect from such date as he may specify manufacture of any scheduled article otherwise than in accordance with any general or special direction issued by the Director;
- (b) require, with effect from such date and with reference to such period as may be specified, any producer to obtain such approval to the programme of manufacture of any scheduled article from the Director; and
- (c) require, with effect from such date as he may specify any manufacturer to manufacture any scheduled article as he is capable of manufacturing in accordance with the programme of production.

11. **Declaration of godowns, store houses or warehouses.**—(1) Every importer, producer or dealer holding stock of scheduled articles, shall, within two weeks of the publication of this Order, declare to the Director the place or places where the stock of such articles is kept or stored.

(2) When any such importer, producer or dealer desire to change the place or places of stocks after he has made declaration under clause (1), he shall bring to the notice of the Director the intention of change of the place or places at least seven days before the change is effected.

12. **Maintenance of records and keeping of scheduled articles without documents.**—No importer, producer or dealer shall keep any scheduled article in his possession or under his control without any document or receipt for such article and the importer, producer or dealer shall maintain records of all sales and purchases in such form as may be prescribed by the Director from time to time.

13. **Restriction on the movement of scheduled articles.**—The Director may impose restrictions on the movement of any scheduled article within Bangladesh if and when so required.

14. **Fixing maximum quantity.**—The Director or any officer authorised in this behalf by the Government may, by notification in the official Gazette, fix in respect of any scheduled article—

- (a) the maximum quantity which may at one time be possessed by a producer, importer or dealer; and
- (b) the maximum quantity which may in one transaction be sold to any person.

15. **General limitation on quantity to be possessed at one time.**—(1) No person other than a dealer or producer shall keep in his possession at any one time a greater quantity of scheduled article as the Director may, from time to time, specify than the quantity necessary for the reasonable needs of himself and his family, for a period up to three months or such longer period as may for special reason in a particular circumstances be considered a reasonable period.

(2) For the purposes of clause (1), the expression "reasonable needs" includes the requirement for fulfilment of social, religious or other customary obligations.

16. **Fixing time limit for keeping scheduled articles under possession.**—No importer, producer or dealer in any scheduled article shall keep in his possession for a period not exceeding the limit specified by order in the official Gazette, by the Government.

17. **Duty to declare possession of excess stock.**—Any person having in his possession a quantity of any scheduled article exceeding that permitted by or under this Order shall forthwith report the fact to the Director or such officer authorised in this behalf by the Government and shall take such action as to the storage, distribution or disposal of the excess quantity as the Director or the authorised officer may direct.

18. **Power to order for sale.**—(1) The Director or an officer authorised in this behalf by the Government may, by notification in the official Gazette, direct the dealers in specified scheduled articles to sell those articles only to such persons as are authorised by a competent authority to be specified in the notification to purchase them and no dealer shall after the issue of the notification sell the article or articles specified therein except to the duly authorised purchaser.

(2) The Director or any other officer authorised by the Government in this behalf may, by order in writing, direct any importer or producer to sell, subject to the other provisions of this Order, any scheduled article to such person or persons and in accordance with such conditions as may be specified in the Order.

19. **Power to search, inspect, etc.**—The Director or, as the case may be, the Director General may—

- (a) require any person to give such information in his possession with respect to any business carried on by that person or any other person;

- (b) inspect or cause to be inspected any book or other documents belonging to or under the control of any person; and
- (c) enter and search or authorise any person to enter and search any premises and seize or take into possession or authorise any person to seize or take into possession any scheduled article including the records connected therewith in respect of which he has reason to believe that a contravention of this Order has been or is being or is about to be committed.

20. Exemption in case of Government purchases.—The provisions of this Order shall not apply to the possession, sale or movement of any scheduled article by a person discharging a contract entered into with the Government where the possession, sale and movement is in pursuance of that contract.

21. Power of exemption.—The Director General or the Director may, by a notification in the official Gazette, exempt any person or any scheduled article or any area or areas from such provision or provisions of this Order as he may deem necessary.

22. Licence.—(1) No person other than a producer or importer shall engage in any undertaking involving purchase, sale or storage for sale of any scheduled article unless he is a dealer and holds a licence issued in this behalf by the Deputy Commissioner.

(2) The licence fee for the following scheduled articles shall be as follows :—

Particulars of articles	Licence fee. Renewal fee.	
	<u>Taka</u>	<u>Taka</u>
(a) Iron and steel materials	500	500
(b) Cement	250	250
(c) Cotton Cloth (wholesale)	500	500
(d) Cotton Cloth (retail)	100	100
(e) Cotton Yarn (wholesale)	200	200
(f) Cotton Yarn (retail)	50	50
(g) Jeweller	500	500
(h) Goldsmith	50	50
(i) Milk Food	25	25
(j) Cigarette (wholesaler and Distributor)	500	500

(3) All applications for issue of a licence of any scheduled article shall be made to the Deputy Commissioner in Form "A". Licence will be granted in Form "B" on receipt of the treasury chalan showing the payment of requisite fees, if any, specified therefor. The fees thus paid is not refundable.

(4) A licence issued under this Order shall be valid for one year or less commencing on 1st July or on the date of issue, whichever is later; up to 30th June next. The licence will be renewed on application by the licensee in Form "C" and on payment of the renewal fee, if any, for another year after making such enquiries as the Deputy Commissioner deems necessary.

(5) The Deputy Commissioner may, for reasons to be recorded in writing, refuse to grant or renew a licence under this Order.

(6) All applications for renewal of licence shall be made to the Deputy Commissioner at least one month prior to the expiry of the validity of the previous licence, *i.e.*, before the last day of the month of May every year.

(7) If a licence granted under this Order is defaced, destroyed or lost, the licensee shall forthwith apply to the Deputy Commissioner for granting a duplicate licence. The Deputy Commissioner may, after making such enquiries as he deems necessary, issue a duplicate licence on receipt of fees, if any, specified therefor.

(8) If a licensee dies or desires to transfer the ownership of business by sale, the legal heir or the intending purchaser of the business, as the case may be, shall forthwith apply to the Deputy Commissioner for granting a fresh licence in favour of the legal heir or the intending purchaser. The Deputy Commissioner may, after making such enquiry as he deems necessary, issue a fresh licence on receipt of licence fees, if any, specified for such licence.

(9) The Deputy Commissioner may, by notification in the official Gazette, extend the time limit for filing applications for renewal of licence.

(10) Any licensee, who fails to submit application for renewal of his licence in time, may apply for a fresh licence to the Deputy Commissioner who, after proper verification, may issue a fresh licence to the applicant on realisation of licence fee, if any, specified therefor.

23. **Cancellation or suspension of licence.**—The Deputy Commissioner may cancel or suspend any licence granted or renewed by him under the provisions of this Order if he is of the opinion that the licensee has contravened any of the conditions specified in the licence or any provision of this Order or any direction given to the licensee under the provisions of this Order or for any other specified reasons.

24. **Forfeiture of goods.**—A court trying any contravention of this Order may, without prejudice to any other punishment which it may pass, direct that the scheduled article, in respect of which it is satisfied that a contravention of this Order has been made, shall be forfeited.

25. **Amendment in the Schedule.**—The Government may by order omit or modify any scheduled article or include any new article in the Schedule annexed to this Order.

26. **Repeals and Savings.**—(1) The following Orders are hereby repealed, namely:—

- (a) The Mechanically Propelled Vehicles (Control) Order, 1956;
- (b) The Newsprint Control Order, 1957;
- (c) The Paper and Paper Board Distribution Order, 1957;
- (d) The Chemical Dyes Distribution Order, 1957;
- (e) The Cigarettes Distribution Order, 1957;
- (f) The Cycle Distribution Order, 1957;
- (g) The Cement Control Order, 1957;
- (h) The Iron and Steel (Control of Production, Storage and Distribution) Order, 1962;
- (i) The Cotton Cloth (Control) Order, 1969;
- (j) The Kerosene Oil (Control of Distribution) Order, 1969;
- (k) The Essential Commodities Price and Distribution Order, 1970;
- (l) The Cotton Yarn (Licensing and Control) Order, 1970;
- (m) The Infant and Patient Foods and Allied Articles Control (Price Control and Anti-Hoarding) Order, 1970;
- (n) The Bangladesh Essential Commodities (Storage, Keeping and Disposal) Order, 1973; and
- (o) The Onion and Chillies (Storage) Order, 1977.

(2) Any application, authorisation or order made, direction or notification issued, things done, action taken or proceedings initiated under any of the provisions of the aforesaid Orders shall continue in force and be deemed to have been made, issued, done, taken or commenced, as the case may be, under the corresponding provision of this Order until repealed or altered.

THE SCHEDULE

[See paragraph 2 (g)]

1. Iron and Steel Materials :
 - (a) C. I. Sheets (excluding defective, second hand and cuttings)
 - (b) G. I. Pipes (all sizes)
 - (c) M. S. Rods (all sizes)
 - (d) M. S. Billets
 - (e) Nail Wire and Screws
 - (f) Wire Nail
2. Cement.
3. Textile:
 - (a) Cotton Cloth
 - (b) Cotton Yarn
4. Gold (includes gold in the form of coin, whether legal tender or not or in the form of bullion, ingot or bars, whether refined or not and gold ornaments whether plain or engraved with pearls real or imitation stone).
5. Milk Food (all types of milk food for infants, bulk or packet, all types of non-fat dried milk including condensed milk, all sorts of patent food, *i.e.*, Horlicks, Ovaltine, Malted Milk).
6. Cigarettes.
7. Drugs and Medicines (Allopathic).
8. Washing and Toilet Soaps (mechanically manufactured).
9. Edible oil :
 - (a) Mustard oil
 - (b) Soyabean oil
 - (c) Vegetable Ghee
10. Kerosene oil.
11. Paper and Newsprint.
12. Electrical goods:
 - (a) Radio and Transistor
 - (b) Television sets (up to 20")
 - (c) Electric bulb (excluding florescent light)
 - (d) Electric fan
13. Dry Cell Battery.

14. Mechanically Propelled Vehicles.
15. Bi-cycle.
16. Safety Matches. ..
17. Pulses.
18. Onion.
19. Chillies.
20. Salt.
21. Ginger.

FORM 'A'

[See paragraph 2 (3)]

Application No.....

Application for licence to deal in scheduled article under the provisions of Essential Commodities Control Order, 1981.

1. Category of licence applied for—
 - (a) Name of the scheduled article.....
 - (b) Wholesale
 - (c) Retail
2. (a) Name and address of the applicant.....
- (b) Father's/Husband's Name and Address.....
- (c) Place of birth.....
- (d) Nationality.....
(certificate to be enclosed).
3. In the case of Firm, Joint Stock Company or a Co-operative Society, the names and addresses of all the partners or directors or members of the managing body or officials with place of birth and nationality.....
4. Exact address of the office of applicant, if it is different from the place of business
5. Exact address of the place where business is to be conducted, i.e., location of shop, godown, etc.....
6. Whether the premises proposed to be used as a business place is a rented one or owned by the applicant? Attested copy of taxes, if any, paid on account of the premises or, as the case may be, rent receipt, to be furnished

7. Municipal trade licence No..... (copy to be attested).
8. Whether the applicant is minor.....
9. (a) Whether the applicant has any other licence to deal in any of the scheduled articles in any part of Bangladesh? If yes, the number, date and place of issue of the licence (address of the place of business) to be mentioned.....
- (b) whether husband, wife, son or any other dependent of the applicant has any other licence to deal in any scheduled article under the provisions of this Order? If yes, the number, date and place of issue of the licence (address of the place of business) to be mentioned.....
10. Whether the applicant is a member or partner of any other firm or company which holds or has applied for a licence to deal in scheduled articles? If so, give the name and place of business of the firm or company and other details relating to the licences.....
11. Whether the applicant was previously engaged in any of the scheduled article's business, if so, for how many years and where?.....
12. Banking account, if any, giving name and address of the Bank (Bank Certificate to be enclosed).....
13. (a) Income-tax, if any, giving particulars and amount of assessment.....
- (b) Whether the applicant is known to income-tax authorities or not (if he does not pay income-tax).....

I certify that the above statements are correct and complete to the best of my knowledge and belief.

Dated.....

Signature of the Applicant

Note.—A licence granted on this application is liable to cancellation if the information supplied in this form is found to be incorrect or incomplete.

FORM 'B'

[See paragraph 22 (3)]

DEPARTMENT OF PRICES AND MARKET INTELLIGENCE
GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH

Licence for purchase, sale or storage for sale of scheduled article under the provisions of the Essential Commodities Control Order, 1981.

(Wholesale and Retail)

1. Licence No. dated
- (a) Name of the scheduled item
- (b) Wholesale
- (c) Retail
2. Area
3. Name with father's/husband's name of the licensee
4. Address where the undertaking is carried on
5. Address of godown or other premises where scheduled articles are stored
6. This licence will expire on the 30th June, 19.....

Seal
Issuing Officer

Signature of Deputy Commissioner

Dated

Signature of the Authority
renewing the licence

1. Renewed for the year
2.

Conditions of Licence

1. If the licensee intends to store the scheduled article in any place, premises or godown other than those already mentioned in the licence, he shall intimate the address of such place, premises or godown to the Director, Market Intelligence and Enforcement and shall not store the scheduled article in such place, premises or godown until the Director, Market Intelligence and Enforcement has so approved.

2. The licensee shall give all facilities to the Director, Market Intelligence and Enforcement or to any person authorised in writing by the Director to inspect his stock and accounts at any shop, godown or other place used by him for the storage of the scheduled article.
3. The licensee shall comply with all directions that may be given by the Director under the aforesaid Order.
4. The licensee (wholesale or retail dealer) shall issue to every consumer a true cash memorandum or credit note, as the case may be, giving his name, licence number and address, the date of the transaction, the quantity sold, the rate at which sold and the salesman's signature, and shall keep duplicate carbon copies of all such cash memoranda and credit notes arranged serially and chronologically to be available for inspection on demand by the Director or any officer authorised by the Director in writing in this behalf and shall preserve all such duplicate copies of cash memoranda or credit notes for one year from the date of issue.
15. If the licensee contravenes any of the provisions of the Essential Commodities Control Order, 1981 or any of the conditions subject to which he holds the licence, then without any prejudice to any other action that may be taken against him, his licence may be cancelled by the Deputy Commissioner.

FORM 'C'

[See paragraph 22 (4)]

Application for Renewal of Licence

1. The name and father's/husband's name of the applicant.....
.....
2. Address.....
3. The Licence No.....
4. The date of issue
5. The fee paid together with number and date of challan.....
.....

Dated.....

Signature.....

FORM OF RECEIPT

Received from.....an application for renewal of
Licence No.....together with renewal fee of Tk.....
paid by challan No.....

Dated.....

Signature of Deputy Commissioner .

By order of the President
M. MATIUR RAHMAN
Secretary.