

Tea Act, 1953

Chapter VII - Miscellaneous

The Central Government may whenever it thinks it necessary so do, by notification in the Official Gazette require that no person shall on and from such date may be specified in the notification engage himself as a broker, manufacturer or dealer in tea waste or engage himself in the business of lending tea except under and in accordance with the provisions of a licence issued by the Board in accordance with the rules made under this Act; and any person who on and after such date so engages himself without obtaining a licence issued by the Board shall be deemed to have contravened the provisions of this section.

Section 34 - Power Of Inspection

Any person authorized in this behalf by the Central Government or by the Board or any member so authorized by the Chairman in writing or any officer of the Board may enter at all reasonable times any tea estate or any place or premises where tea or tea waste is stored, kept or exposed for sale and may require the production for his inspection of any book, register, record or other paper kept therein and ask for any information relating to the production, storage or keeping for sale of tea or tea waste.

Section 35 - Power Of Board To Call For Returns

(1) The Board may serve by registered post a notice upon the owner of any tea estate or any sub-division of a tea estate or upon his manager, requiring him to furnish, within such period as it may specify in the notice such returns relating to the production, sale and export of tea produced on the estate or to any other matter as it may deem necessary.

(2) Where the owner of any tea estate or any sub-division of a tea estate or his manager being required under sub-section (1) to furnish any return fails to furnish such return within the period specified in the notice or furnishes a return containing any particular which is false and which he knows to be false or does not believe to be true, the Board may refuse to allot an export quota to that estate or sub-division under section 20, or where an export quota has already been allotted, may cancel the unexhausted balance of that quota and refuse any further export licences against that quota or recognise or give effect to any transfer of quota under section 21.

(3) The Board may serve by registered post a notice upon any manufacturer, broker, dealer or dealer in tea waste, requiring him to furnish, within such period as it may specify in the notice, such returns relating to the manufacturer, stock, purchase, sale or export of tea waste as it may deem necessary.

Section 36 - Penalty For Illicit Export

A breach of the provisions of sub-section (1) or sub-section (2) of section 18 shall be punishable as if it were an offence under item No. 8 of section 167 of the Sea Customs Act, 1878, and the provisions of section 168 and of Chapter XVII of that Act shall apply accordingly.

Section 37 - Penalty For Making False Return

Any person who being required by or under this Act to furnish any return fails to furnish such return or furnishes a return containing any particular which is false and which he knows to be false or does not believe to be true shall be punishable with fine which may extend to one thousand rupees.

Section 38 - Penalty For Obstructing An Officer Or Member Of The Board In The Discharge Of His Duties And For Failure To Produce Books And Records

Any person who--

- (a) obstructs a member authorized by the Chairman in writing or an officer of the Board or a person authorized in this behalf by the Central Government or by the Board in the exercise of any power conferred, or in the discharge of any duty imposed, on him by or under this Act, or
- (b) having the control or custody of any account book or other period, fails to produce such book or record when required to do so by or under this Act.

shall be punishable with imprisonment which may extend to one year; or with fine which may extend to one thousand rupees, or with both.

Section 39 - Penalty For Illicit Cultivation

Whoever knowingly plants tea or causes tea to be planted on any land in contravention of section 12 shall be punishable with fine which may extend to one thousand rupees for the first offence, and with fine which may extend to five thousand rupees for any subsequent offence.

Section 40 - Removal Of Tea Planted Without Permission

Where any person has been convicted of any offence under section 39, the convicting Court may direct that the tea in respect of which the offence was committed shall be removed from the land within a specified time, and in the event of the order not being duly complied with, may cause the tea to be removed and may recover the cost from the person convicted as if it were an arrear of land revenue due on the tea estate on which the offence was committed.

Section 41 - Penalty For Contravention Of Order Relating To Control Of Price And Distribution

- (1) If any person contravenes any order made under sub-section (1) or sub-section (3) of section 30, he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or within both, and the property in respect of which the order has been contravened or such part thereof as to the Court may seem fit shall be forfeited to the Central Government.
 - (2) Any person who attempts to contravene or abets the contravention of, any order under sub-section (1) or sub-section (3) of section 30 shall be deemed to have contravened that order.
-

Section 42 - Other Penalties

Whoever contravenes or attempts to contravene or abets the contravention of the provisions of this Act or of any rules made thereunder other than the provisions, punishment for the contravention whereof has been provided for in sections 36, 37, 38, 39 and 41 shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five thousand rupees, or with both, and in the case of a continuing contravention with an additional fine which may extend to five thousand rupees for every day during which such contravention continues after conviction for the first such contravention.

Section 43 - Offences By Companies

- (1) If the person committing an offence under this Act, or the rules thereunder is a company, every person, who at the time the contravention was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed

to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act or the rules thereunder has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of any director or manager, secretary or other officer of the company such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.--For the purposes of this section--

(a) "company" means any body corporate and includes a firm or other than association of individuals; and

(b) "director" in relation to a firm means a partner in the firm.

Section 44 - Jurisdiction Of Courts

No Court inferior to that a Presidency Magistrate or a Magistrate of the First Class shall try any offence punishable under this Act.

Section 45 - Previous Sanction Of Central Government For Prosecution

No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Central Government.

Section 46 - Protection Of Action Taken In Good Faith

1 [(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 under this Act of 2 [any rule of order] made thereunder.

1 [(2)] No suit or other legal proceeding shall lie against the Central Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act or any rule or order made thereunder.]

1. Section 46 renumbered as sub-sec. (1) and sub-sec. (2) inserted by Tea (Amendment) Act (68 of 1980), Section 6.

2. Substituted for "the rules," by Tea (Amendment) Act (68 of 1980), Section 6.

Section 47 - Power To Delegate

The Central Government may, by order notified in the Official Gazette, direct that any power exercisable by it under this Act may also be exercised in such cases and subject to such conditions, if any, as may be specified in the order by such officer or authority as may be specified therein.

Section 48 - Suspension Of Operation Of Act

(1) If the Central Government is satisfied that circumstances have arisen rendering it necessary that certain of the restrictions imposed by this Act should cease to be imposed or if it considers it necessary or expedient so

to do in the public interest, the Central Government may, by notification¹ in the Official Gazette, suspend or relax to a specified extent either indefinitely or for such period as may be specified in the notification the operation of all or any of the provisions of this Act.

(2) Where the operation of any provisions of this Act has under sub-section (1) been suspended or relaxed indefinitely, such suspension or relaxation may at any time while this Act remains in force be removed by the Central Government by notification in the Official Gazette.

1. See Foot-note [a] under Section 17: operations of Sections. 19, 20, 21(1), (3); and 22 was suspended by S.O. 267 published in 18-11-1961, Pt. II, Section 3(ii), p. 2945.

Section 49 - Power Of Central Government To Make Rules

(1) The Central Government may, subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:--

(a) the constitution of the Board, the number of persons to be appointed as members from each of the categories specified in sub-section (3) of section 4, the term of office and the other conditions of service of, the procedure to be followed by, and the manner of filling vacancies among, the members of the Board;

(b) the circumstances in which, and the authority by which, members may be removed;

(c) the holding of a minimum number of meetings of the Board every year;

(d) the pay, allowances and other conditions of service of the¹[Deputy Chairman, Secretary] and other officers appointed by the Central Government;

(e) the maintenance of records of all business transacted at meetings of the Board and the submission of copies of such records to the Central Government;

(f) the conditions subject to which, and the mode in which, contracts may be made by or on behalf of the Board;

(g) the preparation of budget estimate of the receipts and expenditure of the Board and the authority by which such estimates shall be sanctioned;

(h) the powers of the Board and the Executive Committee and the Chairman, in regard to the incurring of expenditure and the re appropriation of estimated savings in any budget head to another such head;

(i) the conditions subject to which the Board may incur expenditure;

(j) the conditions subject to which the Board may borrow;

²[(ja) the amounts for the purposes of the provision to section 28A;]

(k) the form and the manner in which accounts should be kept by the Board;

(l) the basis on which the export quota of a tea estate or a sub-division of a tea estate shall be determined;

- (m) the conditions subject to which export quota, export licences and special export licences shall be transferable;
- (n) the conditions subject to which permits for the planting of tea on land not carrying tea shall be granted;
- (o) the collection of any information or statistics in respect of the tea industry and the tea trade;
- (p) the fees to be levied in respect of licences, permits and permissions issued under this Act;
- (q) the procedure for the grant or issue of licences, permits and permissions under this Act, the time within which such licences, permits or permissions shall be granted or issued including, in particular, the publication of notices calling for applications and the holding of such inquiry in regard thereto as may be necessary in the circumstances;
- (r) the form of application for licences, permits or permissions under this Act;
- (s) the manner in which a broker or a dealer in tea waste or a manufacturer shall be licensed under this Act and the levy of fees in respect of such licence;
- (t) the matters which may be taken into account in the granting or issuing of any licence, permit or permission under this Act including in particular the previous consultation with the Central Government by the Board in regard to the grant or issue of any such licences, permits or permissions;
- (u) the conditions which may be included in any licences, permits or permissions;
- (v) the returns to be furnished by owners of tea estates, or sub-divisions thereof, manufacturers, dealers and brokers relating to the production, manufacture, s k, sale and export of tea and tea waste and the form and manner in which such returns are to be furnished;
- (w) the fees to be charged for granting certified copies of accounts of quotas;
- (x) any other fee that may be necessary for the Board to levy in order to determine or redetermine the basis on which export quota may be fixed;
- (y) any other matter which is to be or may be prescribed.

3[(3) Every rule made under this Act shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or 4 [in two or more successive sessions, and if, before the expiry of the session immediately following the sessions or the successive sessions aforesaid] both houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

1. Substituted for the word security, by the Tea (Amendment) Act, 1977 (32 of 1977), Section 3 (w.e.f. 12-8-1977).

2. Inserted by Tax (Amendment) Act (24 of 1986), Section 4 (w.e.f. 15-8-86).

3. Substituted for former sub-section (3) by the Tea (Amendment) Act, 1970 (22 of 1970), Section 4 (w.e.f. 23-5-1970).

4. Substituted for the words in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, by the Tea (Amendment) Act, 1977 (32 of 1977), Section 3

Section 50 - Power Of Board To Make By-Laws

- (1) The Board may make by-laws¹ consistent with this Act and the rules made thereunder, to provide for--
- (a) the dates, times and places of its meetings and the meetings of the Executive and other Committees and quorum for such meetings, and the procedure there at;
 - (b) the delegation of powers and duties to the Executive or any other Committee, or, its Chairman, Vice-Chairman,²[Deputy Chairman Secretary] or any other of its officers;
 - (c) the travelling allowances of members and of members of Committees;
 - (d) the appointment, promotion and dismissal of its officers and other employees other than those appointed by the Central Government and the creation and abolition of their posts;
 - (e) the conditions of service of its officers and other employees other than those appointed by the Central Government, including their pay, leave, leave allowances, pensions, gratuities, compassionate allowances and travelling allowances and the establishment and maintenance of a provident fund for them;
 - (f) the maintenance of its accounts;
 - (g) the persons by whom, and the manner in which payments, deposits and investments may be made on its behalf;
 - (h) the custody of moneys required for its current expenditure and the investment of moneys not so required;
 - (i) the preparation of statements showing the sums allotted to Departments of the Central and State Governments and other institutionSection
- (2) No by-law shall take effect until it has been confirmed by the Central Government and published in the Official Gazette, and the Central Government, in confirming a by-law may make any change therein which appears to be necessary.
- (3) The Central Government may, by notification in the Official Gazette, cancel any by-law which it has confirmed and thereupon the by-laws shall cease to have effect.
- ³[(4) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the by-law or both Houses agree that the by-law should not be made, the by-law shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that by-law.]

1. For "Tea Board Bye-laws, 1955" see S.R.O. 1390, D/- 22-6-1955 published in Gaz. of Ind., 1955, Pt. II, Section 3, p. 1129; for "Tea Board (Provident Fund) Bye-laws, 1960" see G.S.R. 217, D/- 22-2-1960 published in Gaz. of Ind., 1960 Pt. II, Section 3(i), p. 355 for Tea Board Employees (Conduct) Bye-laws 1958 see Gaz. of Ind., 1-11-1958, Pt. II, Section 3(i), p. 1003.

2 . Substituted for the word "security", by the Tea (Amendment) Act, 1977 (32 of 1977), Section 3 (w.e.f. 12-8-1977).

Section 51 - Repeals And Savings

- (1) The Indian Tea Control Act, 1938 and the Central Tea Board Act, 1949 are hereby repealed.
- (2) All moneys and other property and all rights and interests, of whatever kind, owned by, vested in, used, enjoyed or possessed by, or held in trust by or for, the Indian Tea Licensing Committee constituted under the Indian Tea Control Act, 1938, and the Central Tea Board constituted under the Central Tea Board Act, 1949, as well as liabilities legally subsisting against that Committee or that Board shall pass to the Board with effect from the commencement of this Act.
- (3) All officers and other employees of the Indian Tea Licensing Committee and the Central Tea Board who hold office as such immediately before the commencement of this Act shall be deemed to have been appointed as officers or other employees of the Board with effect from the commencement of this Act and, notwithstanding anything contained in any contract of service entered into by any such officer or other employee with the Indian Tea Licensing Committee or the Central Tea Board, shall be entitled to such pay and allowances and to such conditions of service in respect of other matters as may be determined by the Board with the approval of the Central Government.
- (4) Any proceedings taken by the Indian Tea Licensing Committee or the Central Tea Board before the commencement of this Act may be continued by the Board after such commencement.
- (5) Until action in that behalf is otherwise taken under the corresponding provisions of this Act or the rules made thereunder, all licences, permits and permissions issued or granted, all export quotas allotted and all fees fixed under the provisions of the Indian Tea Control Act, 1938, shall unless inconsistent with the provisions of this Act, be deemed to have been issued, granted, allotted or fixed under the corresponding provisions of this Act and the rules made thereunder.
- (6) Any offence punishable under the Indian Tea Control Act, 1938, or the Central Tea Board Act, 1949, shall be punishable and may be dealt with as if it were an offence punishable under the corresponding provisions of this Act.
- (7) Any other thing or action done or taken before the commencement of this Act by the Indian Tea Licensing Committee or the Central Tea Board shall so long as it is not inconsistent with any of the provisions of this Act, be as valid and effectual as if it had been done or taken by the Board after the commencement of this Act.
- (8) For the removal of doubts, it is hereby declared that the provisions contained in sub-section (2) to (7) inclusive shall be without prejudice to the general application of section 6 of the General Clauses Act, 1897.
- (9) If any difficulty arises in giving effect to any of the provisions of this Act, the Central Government may as occasion may arise, by order, do anything which appears to be necessary for the purpose of removing the difficulty.

Amending Act 1 - TEA (AMENDMENT) ACT, 1954

THE TEA (AMENDMENT) ACT, 1954

[Act, No. 49 of 1954]

[23rd December, 1954]

PREAMBLE

An Act to amend the Tea Act, 1953.

BE it enacted by Parliament in the Fifth Year of the Republic of India as follows:-

1 .Short title

This Act may be called the Tea (Amendment) Act, 1954.

2 .Amendment of section 25, Act 29 of 1953

In sub-section (1) of section 25 of the Tea Act, 1953, for the words "at such rate not exceeding two rupees per one hundred pounds as the central Government may notify in the Official Gazette" the words "at the rate of four rupees per one hundred pounds" shall be substituted.

Amending Act 2 - TEA (SECOND AMENDMENT) ACT, 1954

THE TEA (SECOND AMENDMENT) ACT, 1954

[Act, No. 52 of 1954]

[25th December, 1954]

PREAMBLE

An Act further to amend the Tea Act, 1953.

BE it enacted by Parliament in the Fifth Year of the Republic of India as follows:-

1.Short title

This Act may be called the Tea (Second Amendment) Act, 1954.

2.Amendment of section 4, Act 29 of 1953

In section 4 of the Tea Act, 1953.After sub-section (3), the following sub-section shall be inserted, namely:-

"(3A) It is hereby declared that the office of member of the Board shall not disqualify its holder for being chosen as, or for being, a member of either House of Parliament."