

The Essential Articles (Price Control and Anti-Hoarding) Act, 1953 (East Bengal Act)

(ACT NO. XXII OF 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:-

**Short title,
extent and
commencement**

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

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

(3) It shall come into force at once.

Definitions

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

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

(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 ³[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.

Power to control possession of essential article

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.

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.

Power to require licence for trading

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 compel sales to specified person

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.

Prohibition against withholding of sales

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.

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;