वाणिज्य एवं उद्योग मंत्रालय
(वाणिज्य विभाग)
आदेश
नई दिल्ली, 27 फरवरी, 2004
का.आ. 270(31)---- केंद्र सरकार चाक अर्थव्यवस्था, 1953 (1953 का 29) की धारा 30 की उप-धारा (3) और उप-धारा (5) द्वारा जातीय
प्रावधान का प्रयोग करते हुए, एवं/या चाक (विभाग) नियमित्रण आदेश, 2003 में आपे और संशोधन करने के लिए निम्नलिखित संशोधन करती हैं,
अथवा,----
2. (1) इस आदेश का नाम चाक (विभाग) नियमित्रण (संशोधन) आदेश, 2004 है।
(2) यह आदेश सरकारी रक्षण में प्रकाशन की तारीख से साधू होगा।
3. चाक (विभाग) नियमित्रण आदेश, 2003 (जिसे एवं प्राचारी उच्च आदेश कहा गया है) के पैगांमा 27 के उप-पैगांमा 1 में ""ओर के
किसी अधिकारी" रायों के परामर्श" "सहायक विकास अधिकारी अथवा विशेष निरीक्षक के रूप से कम नहीं" जमा करे जा रहे।
4. उक्त आदेश में पैगांमा 27 के उप-पैगांमा (3) के स्थान पर निम्नलिखित उप-पैगांमा को प्रतिस्पर्धित किया जाएगा, अथवा,-----
""(3) तलाशी एवं जबो के संबंध में निम्नलिखित प्रक्रिया अपनाने जाएगी :----
(क) इस प्रकार के स्थान पर नियामक करते वाता अथवा प्रभारी कोई व्यक्ति लाइसेंसिंग प्राधिकारी अथवा प्रतिक्रिया प्रमाणित प्रभारी द्वारा जानी जाएगी
कर गए। प्राप्त्र को स्थापित करने पर विविधता प्राधिकारी अथवा प्राधिकारी को इसमें अंक नियामक को अनुसरण दिया और उससे तलाशी लेने के लिए सभी
उचित मुहिमों प्रदान करेगा।
(ख) तलाशी लेने से पूर्व इस प्रकार से प्राप्त अधिकारी उस इलाके के जिससे तलाशी लेने वाला वाता अपरिष्क्रिया है अथवा यदि
उक्त इलाके का ऐसा कोई निराकार उपलब्ध नहीं है तो किसी दूसरे इलाके के अपचा जो उक्त तलाशी के साथी सनसे के हालक हैं, तो या उससे
अस्वस्थ स्थिति और सम्माननीय निराकारों से उक्त तलाशी में उपस्थित होने तथा उक्ता साथी वाने का अनुशीलन करेगा।
(ग) उक्ती दलालों में उक्त तलाशी ली जा रही और प्राप्तिक्रिया अधिकारी द्वारा इस प्रकार की तलाशी प्रक्रिया में जानी जाने वाला
वाता अथवा उससे संबंधित मर्यादा और उन रूपों में नियामक ने बराबर हुए हैं, उक्त दलालों की व्यवस्था का व्यवस्था कर देने के
रूप में शासन में उपस्थित होने को जरूरत नहीं होगी तब तक कि न्यायालय द्वारा उसे विशेषरूप से बुझाना न जाए।
5. Under Section 30 of the Act, the Secretary to the Government of India in the Ministry of Commerce and Industry is hereby empowered to make regulations by notifying in the Official Gazette of India the same manner and form as prescribed in the Act.

6. The notification made under sub-section (1) of Section 30 of the Act, in the Official Gazette of India on the 1st day of January, 2003, is hereby revoked.

S.O. 270 (E).—In exercise of the powers conferred by Sub-section (3) and Sub-section (5) of Section 30 of the Tea Act, 1953 (29 of 1953), the Central Government hereby makes the following amendments further to amend the Tea (Marketing) Control Order, 2003, namely:

2. (1) This Order may be called the Tea (Marketing) Control (Amendment) Order, 2004.

(2) This Order shall come into force on the date of its publication in the Official Gazette.

3. In the Tea (Marketing) Control Order, 2003 (hereinafter referred to as the said order), in paragraph 27, in sub-paragraph 1, after the words “any Officer of the Board”, the words “not below the rank of Assistant Development Officer or Inspector” shall be inserted.

4. In the said Order, in paragraph 27, for sub-paragraph (3), the following sub-paragraph shall be substituted, namely:
“(3) The following procedure shall be adopted relating to search and seizure—

(a) Any person residing in or being in charge of such place shall allow the duly authorised officer on production of the authority issued by the Licensing Authority or Registering Authority, free ingress thereto, and afford all reasonable facilities for a search therein.

(b) Before making a search, such authorised officer shall call upon two or more independent and respectable inhabitants of the locality in which the place to be searched is situated or of any other locality if no such inhabitant of the said locality is available or is willing to be a witness to the search, to attend and witness the search.

(c) The search shall be made in their presence, and a list of all the products of tea or related items seized in the course of such search and of the places in which they are found shall be prepared by the authorised officer and signed by such witnesses; but no person witnessing a search under this paragraph shall be required to attend the Court as a witness of the search unless specially summoned by it.

(d) The occupant of the place searched, or some person in his behalf, shall, in every instance, be permitted to attend during the search, and a copy of the list prepared and duly signed by the said witnesses, shall be delivered to such occupant or person.”

5. In the said order, for paragraph 30, the following paragraph shall be substituted, namely:—

“30. Fixation of price sharing formula and its compliance:

(1) Every registered manufacturer engages in purchase of green tea leaves shall pay to the supplier of green leaf a reasonable price according to the price sharing formula as may be specified by the Registering Authority from time to time and implemented in a manner as determined by the Registering Authority, with the prior approval of the Central Government.

For the said purpose, the reasonable price for tea leaves payable to the supplier of green leaf according to the price sharing formula shall be determined taking into account the sale proceeds received by the registered manufacturer.

(2) Registering Authority or any officer of the Board, not below the rank of Joint Controller of Licensing, authorised by the Registering Authority in writing, may direct any broker, through whom the manufacturer has sold any made tea, to deduct from the proceeds of such sale an amount equivalent to the difference between the reasonable price of tea leaves as determined in terms of the price sharing formula and the actual price paid by such manufacturer for the tea leaves bought by him.

(3) Registering Authority or any officer of the Board, not below the rank of Joint Controller of Licensing, authorised by the Registering Authority in writing, may direct any broker, through whom the manufacturer has sold any made tea and has delayed the payment of the reasonable price for tea leaves as determined in terms of the price sharing formula, to deduct from the sale proceeds of such sale an amount equivalent to the reasonable price so determined for such tea leaves.

(4) Registering Authority or any officer of the Board, not below the rank of Joint Controller of Licensing, authorised by the Registering Authority in writing, may direct any broker to remit the sum so deducted under sub-paragraphs (2) and (3) in a manner and to the person as may be specified.

(5) The Registering Authority or any officer of the Board, not below the rank of Joint Controller of Licensing, authorised by the Registering Authority in writing, may also ensure the compliance of the payment of reasonable price for tea leaves as per sub-paragraphs (1), (2), (3) and (4).”

6. In the said order, in Form-E, in serial number 25, for the words and letters “GRAND TOTAL OF QUANTITY SOLD (A+B+C)”, the words and letters, “GRANDE TOTAL OF QUANTITY SOLD (A+B+C); AND THE AVERAGE PRICE REALISED IN RUPEES PER KG OF TEA (A+B+C)”, shall be substituted.

[F. No. T-12014/2/2003-Plant (A)]
A. SENGUPTA, Adl. Secy.

Foot Note: — The principal notification was published vide S.O. No. 1 (E) dated the 1st January, 2003 in the Gazette of India, Extraordinary and subsequently amended vide S.O. No. 247(E) dated the 28th February, 2003 and S.O. No. 430(E) dated 10th April 2003.