

GOVERNMENT OF INDIA  
LEGISLATIVE DEPARTMENT.

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THE INDIAN TEA CONTROL  
ACT, 1933  
(XXIV OF 1933)

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# ACT No. XXIV OF 1933.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 21st  
September, 1933.)

## An Act to provide for the control of the export of tea from India and for the control of the extension of the cultivation of tea in British India.

WHEREAS it is expedient to provide for the control of  
the export of tea from India and for the control of the  
extension of the cultivation of tea in British India; It is  
hereby enacted as follows:—

### PRELIMINARY.

1. (1) This Act may be called the Indian Tea Control Act, 1933. Short title,  
extent, com-  
mencement  
and duration.
  - (2) It extends to the whole of British India.
  - (3) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint.
  - (4) It shall not remain in force after the 31st day of March, 1938.
2. In this Act, unless there is anything repugnant in the Definitions, subject or context,—
- (a) "Committee" means the Indian Tea Licensing Committee constituted under this Act;
  - (b) "exported overseas" means exported by sea from British India to any place outside India other than the French and Portuguese Settlements bounded by India;
  - (c) "prescribed" means prescribed by rules made under this Act;
  - (d) "tea"

(d) "tea" means—

- (i) in Chapter III, the plant *Camellia Thea* (Linn.), and
  - (ii) in Chapter II, the commodity known as tea made from the leaves of that plant, and includes green tea leaves but excludes tea waste and Burmese pickled tea; and
- (e) the "Tea Licensing Resolution" means the Resolution of the Government of India published under Finance Department (Central Revenues) Notification No. 30, dated the 20th May, 1933.

## CHAPTER I.

### THE INDIAN TEA LICENSING COMMITTEE.

**Constitution of  
the Indian Tea  
Licensing  
Committee.**

3. (1) The Governor General in Council shall constitute a Committee, to be called the Indian Tea Licensing Committee, consisting of the following members:—

- (a) six members, one to be nominated by each of the following bodies, namely,—
  - (i) the Indian Tea Association, Calcutta,
  - (ii) the Assam Branch of that Association,
  - (iii) the Surma Valley Branch of that Association,
  - (iv) the Dooars Planters Association,
  - (v) the Indian Tea Planters Association, Jalpaiguri, and the Terai Indian Planters Association, Terai, acting together, and
  - (vi) the Darjeeling Planters Association and the Terai Planters Association, acting together;
- (b) two members to be nominated by the Local Government of Assam, to represent tea estates owned by Indians in Assam, one for the Assam Valley and the other for the Surma Valley;
- (c) two members to be nominated by the United Planters Association of Southern India, one representing tea estates in British India, and the other representing tea estates in Indian States; and
- (d) one member to be nominated by the Local Government of Madras to represent tea estates owned in Southern India by Indians:

Provided

Provided that any nomination, made in accordance with the above provisions, of any member of the Licensing Committee constituted under the Tea Licensing Resolution, shall be deemed to have been duly made under this Act.

(2) As soon as may be after the commencement of this Act the Governor General in Council shall publish in the Gazette of India the names of all members of the Committee.

4. (1) If any authority or body fails to make within a reasonable time any nomination which it is entitled to make under section 3, the Governor General in Council may himself nominate a member to fill the vacancy. Vacancies.

(2) Where a member of the Committee dies, resigns, ceases to reside in India or becomes incapable of acting, the Governor General in Council may, on the recommendation of the authority or body which is entitled to make the first nomination under section 3, or where such recommendation is not made within a reasonable time, then on his own initiative, nominate a person to fill the vacancy.

(3) No act done by the Committee shall be questioned on the ground merely of the existence of any vacancy in or any defect in the constitution of the Committee.

5. The Committee shall elect a Chairman from amongst themselves, and may appoint such sub-committees and executive officers as may be necessary for the efficient performance of the duties imposed upon it by this Act: Chairman, sub-committees and executive officers.

Provided that the Chairman elected and any sub-committee or executive officer appointed by the Licensing Committee constituted under the Tea Licensing Resolution shall be deemed to have been duly elected and appointed under this Act.

6. (1) The Committee may make by-laws consistent with this Act and with the rules made thereunder for all or any of the following matters, namely:— Power to make by-laws.

- (a) the regulation of the procedure to be followed at meetings of the Committee;
- (b) the appointment of sub-committees;
- (c) the delegation to sub-committees, members or officers of the Committee of any of the powers of the Committee under this Act;
- (d) the determination of the travelling allowances of the members;

(e) the

- (e) the appointment, promotion and dismissal of officers and servants of the Committee, and the creation and abolition of appointments of such officers and servants;
- (f) the regulation of the grant of pay and leave to such officers and servants; and
- (g) any other matter in respect of which by-laws may be made under this Act or the rules made thereunder.

(2) All by-laws made under this section shall be subject to the previous sanction of the Governor General in Council.

Governor General in Council's power of control.

7. (1) Save in respect of proceedings and orders under section 27, all acts of the Committee shall be subject to the control of the Governor General in Council, who may cancel, suspend or modify as he thinks fit any such act.

(2) The records of the Committee shall be open to inspection at all reasonable times by any officer authorised in this behalf by the Governor General in Council.

Keeping and auditing of accounts.

8. (1) The Committee shall keep accounts of all fees received by it under this Act, and of the manner in which they are expended.

(2) Such accounts shall be examined and audited annually by auditors appointed in this behalf by the Governor General in Council; and such auditors shall have power to disallow any item which has been, in their opinion, expended otherwise than in pursuance of the purposes of this Act.

Dissolution of the Committee.

9. (1) The Governor General in Council may, by notification in the Gazette of India, declare the Committee to be dissolved, and on the date of the publication of such notification the Committee shall stand dissolved and this Act shall be deemed to be repealed.

(2) When the Committee is dissolved, either under this section or by the expiry of this Act, the unexpended balance of fees received by the Committee under this Act shall lapse to Government.

Power to make rules.

10. The Governor General in Council may, by notification in the Gazette of India, make rules—

- (a) providing for the establishment and maintenance of offices by the Committee;
- (b) providing for the conduct of business by the Committee and determining the number of members which shall form a quorum at meetings;
- (c) providing

- (e) providing for the maintenance by the Committee of a record of all business transacted and submission of copies thereof to Government;
- (d) regulating the preparation of annual estimates of receipts and expenditure;
- (e) regulating the keeping of accounts of receipts and expenditure;
- (f) determining the custody in which the current account of the Committee shall be kept, and the bank or banks at which surplus monies at the credit of the Committee may be deposited at interest; and
- (g) generally, to carry out the provisions of this Chapter.

CHAPTER II.

CONTROL OVER THE EXPORT OF TEA.

11. Nothing in this Chapter shall apply to tea—
- (a) proved to the satisfaction of the Customs Collector to have been imported into British India from any port outside India, or
  - (b) shipped as stores on board any vessel, in such quantity as the Customs Collector considers reasonable having regard to the numbers of the crew and passengers and the length of the voyage on which the vessel is about to depart, or
  - (c) exported by parcel post.
12. (1) No tea shall be exported overseas unless covered by a licence issued by or on behalf of the Committee.
- (2) No tea shall be exported by land or sea to any of the French or Portuguese Settlements bounded by India unless covered by a permit issued by or on behalf of the Committee.
13. (1) The Indian Overseas Export Allotment for the financial year 1933-34, that is, the total quantity of tea which may be exported overseas during that year, including tea exported overseas during that year before the commencement of this Act, shall be 320,570,560 pounds avoirdupois.
- (2) The Indian Overseas Export Allotment for succeeding financial years shall be declared by the Governor General in Council by notification in the Gazette of India, after consulting the Committee and paying due regard to all interests concerned.

Limitation of application of Chapter.

Method of control of export of tea.

The Indian Overseas Export Allotment.

14. (1) The



Export quotas  
of tea estates.

14. (1) The export quota of each tea estate for each financial year, that is, the total quantity of tea which may be exported overseas by the owner of the estate during that year, shall be determined by the Committee, in the prescribed manner.

(2) The total of all export quotas for any financial year shall not exceed the Indian Overseas Export Allotment for that year.

Right to  
obtain export  
licences.

15. (1) The owner of a tea estate to which a quota has been allotted for any financial year shall have a right to obtain at any time during that year export licences to cover the export overseas of tea up to the amount of the unexhausted balance of the quota, that is, up to the amount of the quota less the amount for which export licences have already been issued against it:

Provided that the unexhausted balance of any quota at any time during the financial year 1933-34 after the commencement of this Act shall be the amount of the quota less—

- (a) the amount for which export licences have already been issued against the quota under this Act, and
- (b) the amount for which export licences were issued against the quota by the Licensing Committee constituted under the Tea Licensing Resolution, and
- (c) the amount of tea produced on the estate and exported overseas after the 31st day of March, 1933, and before the 26th day of May, 1933.

(2) The right of the owner of a tea estate under this section may be transferred in whole or in part, and subject to proof of the transfer to the satisfaction of the Committee, the transferee shall have a right to obtain export licences up to the amount covered by the transfer or up to the amount of the unexhausted balance of the quota, whichever may be less.

Grant of export  
licences.

16. (1) The owner of any tea estate to which an overseas export quota has been allotted, or any transferee of his right, may, at any time before the 21st day of March of the financial year to which the quota relates, apply in writing to the Committee for an export licence covering a stated quantity of tea.

(2) If the unexhausted balance of the quota is sufficient to cover the stated quantity, the Committee shall, on receipt of the requisite fee, issue an export licence covering the stated quantity.

(3) Every

(3) Every licence shall be in duplicate in the prescribed form, shall bear the date of its issue, and shall be valid up to the end of the financial year in which it is issued:

Provided that, save as provided in section 17, the Committee shall not date or issue any export licence after the end of the financial year in which the application for it was made.

17. (1) Where the tea covered by an export licence has not been exported overseas before the end of the financial year in which the licence was issued, the person to whom the licence was granted may, before the expiry of the first fourteen days of the following financial year, forward the licence to the Committee and submit therewith an application for a special export licence covering the same quantity of tea, and the Committee shall, on receipt of the requisite fee, if any, issue a special export licence accordingly.

Special export licences.

(2) A special export licence shall be in duplicate in the prescribed form, shall bear the date of its issue and shall be valid up to the 30th day of June of the year in which it was issued.

(3) The quantity of tea covered by a special export licence shall be accounted for against the export quota of the year in which the original licence was issued.

18. (1) The Committee shall maintain an account of every export quota, showing, in addition to such other particulars as the Committee may think fit, the licences issued against it and the unexhausted balance:

Committee to maintain accounts of quotas.

Provided that for the financial year 1933-34 each account shall show as single items the amounts set off against the quota under clauses (b) and (c) of the proviso to sub-section (1) of section 15.

(2) Any owner of a tea estate shall be entitled, on payment of the requisite fee, to a copy of the account relating to his quota, certified in the manner laid down in the by-laws.

19. (1) No consignment of tea shall be shipped or waterborne to be shipped for export overseas until the owner has delivered to the Customs Collector a valid export licence or special export licence in duplicate covering the quantity to be shipped.

Tea for export to be covered by licence or permit.

(2) No consignment of tea shall be shipped or waterborne to be shipped for export to any of the French or Portuguese Settlements bounded by India until the owner has delivered to the Customs Collector a permit granted in this behalf by the Committee covering the quantity to be shipped.

(3) No permit for the passage of any tea by land into any of the French or Portuguese Settlements bounded by India shall

be granted under sub-section (1) of section 5 of the Land Customs Act, 1924, unless the application for such permit is accompanied by a permit granted in this behalf by the Committee covering the quantity to be passed. XIX of

Power of Committee to call for returns.

20. (1) The Committee may serve by post a notice upon the owner of any tea estate, or upon his agent or manager, requiring him to furnish, within such period not being less than thirty days as may be specified in the notice, such returns relating to the production, sale and export of tea produced on the estate as it may deem necessary to enable it to discharge its duties under this Chapter.

(2) Where any return required under sub-section (1) in respect of any tea estate is not furnished to the Committee within the period specified in the notice, the Committee may refuse to allot a quota to that estate under section 14, or, where a quota has already been allotted, may cancel the unexhausted balance of that quota and refuse to issue any further export licences under section 16 against that quota.

Fees.

21. (1) The Committee may charge and collect the following fees, namely:—

- (a) a licence fee for every export licence or special export licence issued by it, at such rates, not exceeding eight annas per thousand pounds of tea covered by the licence, as the Governor General in Council may, by notification in the Gazette of India, fix in this behalf; and
- (b) copying fees for certified copies of accounts of quotas, at the rate of one rupee per copy:

Provided that the owner of any tea estate to which a quota has been allotted under section 14 may make a consolidated payment of export licence fees at the rate fixed under clause (a) to cover the whole of the quota.

(2) The Committee shall apply the fees collected by it under this section to the meeting of expenses incurred by it in pursuance of the purposes of this Act and, with the previous sanction of the Governor General in Council, to the payment of a contribution towards the maintenance of any international committee established in furtherance of the said purposes in tea producing countries generally.

Validation of certain acts already done.

22. (1) All licences for the export of tea overseas, all licences for the export of tea to the French and Portuguese Settlements bounded by India, and all quotas issued or fixed by the Licensing

Committee

Committee constituted under the Tea Licensing Resolution shall be deemed to be licences, permits and quotas respectively, issued or fixed under this Act.

(2) All transfers of the right to obtain export licences from the said Licensing Committee shall be valid as if they had been made under this Act.

23. The Governor General in Council may, by notification in the Gazette of India, make rules—

Power to make rules.

- (a) prescribing the manner in which the export quotas of tea estates shall be determined;
- (b) regulating the grant of permits for the export of tea to the French and Portuguese Settlements;
- (c) prescribing the form of export licences, special export licences and permits; and
- (d) generally, to carry out the purposes of this Chapter.

24. No quota fixed and no order granting or refusing to grant any licence or permit under this Chapter shall be called in question in any Court.

Bar of jurisdiction.

### CHAPTER III.

#### CONTROL OVER THE EXTENSION OF TEA CULTIVATION.

25. So long as this Act remains in force, no one shall plant tea in any land which was not planted with tea on the 31st day of March, 1933, save in pursuance of a written permission granted by or on behalf of the Committee.

Method of control of extension of tea cultivation

*Explanation.*—Land which had been planted with tea at any time during the period of two years before the 31st day of March, 1933, but, in accordance with agricultural practice on tea estates, was lying fallow on that date, shall be deemed to have been planted with tea on the 31st day of March, 1933.

26. (1) The total area of land in British India in respect of which the permissions referred to in section 25 may be granted shall not exceed 4,000 acres:

Limits to the extension of tea cultivation.

Provided that the Governor General in Council may deduct from the said 4,000 acres the whole or any part of the increase in the area planted with tea in British India which may have occurred between the 31st day of March, 1933, and the commencement of this Act.

(2) The total area of land in any province in respect of which such permissions may be granted shall be determined by the Governor General in Council, and shall be, as near as may be

and

and subject to the above limit for the whole of British India, one-half of one *per centum* of the total area in the province which was planted with tea on the 31st day of March, 1933.

(3) The Governor General in Council shall publish the total areas so allotted to the various provinces, by notification in the Gazette of India, as soon as may be after the commencement of this Act.

Grant of permission to plant tea.

27. (1) Applications for permission to plant tea on any land for the first time shall be made to the Committee, not later than one month after the commencement of this Act, and shall contain a clear statement of all special circumstances justifying the application.

(2) Subject to the limits laid down in section 26, the Committee may grant or refuse the permission applied for, or may grant it in part only, or may call for further information from the applicant.

(3) No order by the Committee under sub-section (2) shall be called in question in any Court.

Appeal to Local Government.

28. (1) Any applicant aggrieved by any order of the Committee under section 27 may appeal to the Local Government within sixty days from the date thereof, and the Local Government may on such appeal cancel, modify or suspend any order of the Committee under that section.

(2) The records of the Committee relating to proceedings under this Chapter shall be open to inspection at all reasonable times by any officer authorised in this behalf by the Local Government.

Power of Committee to call for returns and to inspect estates.

29. (1) The Committee may serve by post a notice upon the owner of any tea estate, or upon his agent or manager, requiring him to furnish, within such period not being less than thirty days as may be specified in the notice, such returns relating to the cultivation of tea on the estate as it may deem necessary to enable it to discharge its duties under this Chapter.

(2) Any member of the Committee and any officer of the Committee authorised by it in this behalf may, at any reasonable time, enter upon and inspect the lands of any tea estate, and may require the owner of the estate, or his agent or manager, to produce for inspection any records of the estate in his control or custody relating to the cultivation of tea on the estate.

(3) Where any return required under sub-section (1) in respect of any tea estate is not furnished to the Committee within the period specified in the notice, the Committee may refuse to grant any permission under section 27 to plant tea on that estate.

CHAPTER IV.

## CHAPTER IV.

## PENALTIES AND PROCEDURES.

30. A breach of the provisions of sub-section (1) or sub-section (2) of section 19 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.

Penalty for  
illicit export.

31. Any owner of a tea estate, or his agent or manager, who has furnished any return under sub-section (1) of section 20 or under sub-section (1) of section 29 containing any particular which is false and which he knew to be false or did not believe to be true, shall be punishable with fine which may extend to one thousand rupees.

Penalty for  
making false  
return.

32. Whoever obstructs any member or officer of the Committee while such member or officer is entering upon or inspecting the lands of any tea estate under sub-section (2) of section 29, and whoever, having control over or custody of any records of a tea estate relating to the cultivation of tea on that estate, refuses or fails to produce such records when required by a member or officer of the Committee under that sub-section, shall be punishable with fine which may extend to one thousand rupees.

Penalty for  
obstructing  
inspection of  
tea estate.

33. Whoever plants or causes to be planted tea in any land in contravention of section 25 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.

Penalty for  
illicit cultivation.

34. Where any person has been convicted of an offence under section 33, the convicting Court may direct that the tea in respect of which the offence was committed shall be removed from the land within a prescribed time, and in the event of the order not being duly complied with, may cause the tea to be removed and recover the cost from the person convicted as if it were arrears of land revenue due on the tea estate on which the offence was committed.

Removal of  
tea planted  
without per-  
mission.

35. (1) No Magistrate other than a Magistrate of the first class shall take cognisance of an offence under section 31, section 32 or section 33, and such Magistrate may take cognisance of such an offence only upon complaint made by a person authorised by the Committee in this behalf, and with the previous sanction of the Local Government.

Trial of  
offences under  
sections 31, 32  
and 33.

(2) The Committee shall be responsible for the conduct of all prosecutions of offences under section 31, section 32 and section 33.