

THE TEA WASTE (CONTROL) ORDER, 1959

In exercise of the powers conferred by Sub-Sections (3) and (5) of Section 30 of the Tea Act, hereby makes the following order, Namely :-

1. Short title and commencement :- (1) This order may be called the Tea Waste (Control) order, 1959.

(2) It shall come into force at once.

2. Definitions :- In this Order, unless the context otherwise requires.

(a) "Act" means the Tea Act, 1953 (29 of 1953)

(aa) "instant tea" means a water - soluble tea powder derived by dehydration of aqueous extract of tea ;

(b) "Licence" means licence granted under this Order;

(c) "Licensee" means any person holding a licence ;

(d) "Licensing authority" means the Chairman or @ Deputy Chairman, Tea Board or Chief Regional Executive, Coonoor or Chief Regional Executive Guwahati of the Board;

(e) "Offer for sale" includes an intimation by a person of a proposal by him for the sale of any tea waste made by the publication of a price-list or by exposing the tea waste for sale or by communication of the price thereof by furnishing a quotation or otherwise howsoever ; and

(f) "tea waste" means tea sweepings, tea fluff, tea fibre or tea stalks or any article purporting to be tea which does not conform to the specification for tea laid down under the Prevention of Food Adulteration Act. 1954 (37 of 1954) but does not include green tea or green tea stalks.

#(g) '*Registered Sellers of Tea Waste*' mean sellers of Tea Waste not domiciled in India and/or citizens of India who have been registered by Competent Authority in their countries of origin indicating detailed particulars of the manner of procurement of tea waste by such sellers in their respective countries along with a Certificate of Registration issued in this behalf by such authority.'

\$(h)" *made tea*" means tea which conforms to specifications for tea as laid down under the Prevention of Food Adulteration Act, 1954 (Act 37 of 1954)

3. Persons including manufacturer of tea, exporting, selling, purchasing, storing tea waste to obtain licences -- With effect from such date as may be fixed by the Central Govt. by notification in the Official Gazette in this behalf, no person *including a manufacturer of tea* shall export, import, sell, offer for sale, buy from licensed sellers of tea wastes within India or from registered sellers of tea wastes beyond the territorial boundaries of India or hold in stock any tea waste except under and in accordance with the terms and conditions of a licence granted to him under this Order.

Provided that the Licensing Authority may allow sale, buying or holding in stock of any tea waste, which has not been so denatured specifically for use as raw material for the manufacture of instant tea @ 'and/or Bio-nutrient and Bio-fertilizer';

Provided further that the tea waste before it is so exported, sold or held in stock, shall be denatured by the admixture of not less than five per cent, slack lime or such other denaturants as may be specified by the Board in this behalf from time to time.

\$3A Minimum Volume of tea waste during manufacture –There shall be a minimum volume of tea waste and made tea at the ratio of 2:100 kilograms when processed out of tea leaves ,buds and tender stems of plant *Camellia Sinensis (L) O Kuntze*.

4. Manner of disposal of tea waste :-- With effect from the date referred to in Clause 3 no person shall dispose of any tea waste except in the following manner, namely :

- (a) by sale to any person holding a licence ;
- (b) by exports ;
- (c) by utilising it in the manufacture of caffeine or instant Tea @'and/or Bio-nutrient and Bio-fertilizer' ;
- (d) by destruction, by burning or by conversion as compost in accordance with any procedure laid down under any excise law for the time being in force.

5. Application for Licence :-- Every person desiring to obtain a licence shall make an application in duplicate to the Licensing authority in Form A annexed to this Order.

6. Grant or refusal of licence :- (1) The licensing authority may by Order, for reasons to be recorded refuse to grant a licence to any applicant and shall, as soon as possible, serve him with a copy of Order.

(2) Where an application for a licence is not refused under sub-clause (1) the Licensing Authority shall grant the applicant a licence for any or all of the following purposes, namely :-

- (a) to buy tea waste ;
- (b) to sell tea waste ;
- (c) to hold and stock tea waste;
- (d) to export tea waste.
- # (e) *to import tea waste*

(2A) Every such licence shall be in Form B annexed to this Order and be subjected to the terms and conditions contained therein.

6A. Amendment of Licence :-The Licensing Authority may, of its own motion or on application by the license, amend any licence granted under this Order in such manner as may be necessary to make such licence conform to the provisions of the Act, or this Order or any other law for the time being in force or to rectify any errors or omissions in the licence ;

Provided that when an application by the licensee for amendment of the licence is not granted or where the Licensing Authority is of opinion that the proposed amendment

will be prejudicial to the interest of the licensee, the licensee shall be given reasonable opportunity of being heard before action under this clause is taken.

7. Period of validity of licence :- Every licence shall unless previously cancelled, be in force until the 31st December next following.

8. Renewal of Licence :- (1) The licensing authority may, on application made to it in duplicate, renew a licence. Every such application and the certificate of renewal shall be in Form C annexed to this Order. Every renewed licence shall be valid up to the 31st December next following.

(2) No application for renewal shall be refused unless the applicant has been given an opportunity of being heard and reasons for such refusal are recorded in writing. The applicant shall, as soon as possible be served with a copy of the order of refusal.

@ 8A. Secretary may sign licences :- Notwithstanding anything contained in clause 6 or clause 8, any licence issued or renewed under this Order may be signed by the Secretary or any other officer of the Board duly authorized in this behalf by the Controller of Licensing or assistant Director of Tea Development or Deputy Director Tea Development of the Tea Board for and on behalf of the Licensing Authority.

9. Restriction on transfer of licence : (1) No person shall transfer any licence granted to him under this Order.

(2) Notwithstanding anything contained in sub-clause (1), a licence may admit any other person or persons as a partner or partners in the business covered by the licence amended by the Licensing authority accordingly as soon as possible.

Provided that he shall not take a partner who has been refused a granted or renewal of a licence for any serious and material irregularities.

10. Power to cancel or suspend licence :

(1) The Licensing Authority may, after giving the licensee an opportunity of being heard.

(i) Cancel the licence : or

(ii) Suspend the licence for a period not exceeding six months pending enquiry and there after cancel, the licence on any of the following grounds namely :

(a) That the licence had been obtained by misrepresentation as to a material particular ; or

(b) that any of the provisions of this order or any of the terms and conditions of the licence has been contravened ; or

(c) that the licensee has been convicted of any offence for adulteration of their under the prevention of Food Adulteration Act, 1954 (37of 1954) ; or

(d) that the licensee has produced or maintained incorrect accounts, registers, documents or knowingly furnished in correct information.

(2) Every order suspending or cancelling a licence shall be in writing and shall specify the reasons for the suspension or cancellation and shall be communicated to the licence within fifteen days of the passing thereof.

(3) Where a licence is suspended under sub-clause (1), the Licensing Authority or any Officer of the Board authorised in this behalf by the Licensing Authority may enter the premises of the licensee in which the tea waste is stored and sealed the stocks of tea waste therein,

(4) A licensee whose licence has been suspended shall not purchase or sell tea waste during the period of suspension of the licence.

(5) Where, after enquiry ---

(i) The order of suspension is cancelled, the stocks of tea waste sealed under sub-clause (3) shall be restored to the licensee : or

(ii) The licence has been cancelled, the Provisions of clause II shall apply to the disposal of such stocks.

(6) Where a licence is cancelled under sub-clause (i) the licensee shall not be entitled to claim refund of any sum paid to the Licensing Authority in respect of the licence.

11. Disposal of stocks where licence is not renewed or is cancelled -- Every person whose application for renewal of his licence has been refused or whose licence has been cancelled under this Order shall dispose of his stocks to tea waste in accordance with the provisions of clause 4 within such time as may be fixed in this behalf by the licensing authority.

12. Appeal -- Any person aggrieved by an order --

- (a) refusing to grant or renew a licence, or
- (b) cancelling a licence

may within sixty days from the date of service of the order, appeal to the Central Govt. and the decision of the Central Govt. shall be final.

13. Restriction on possession of stocks--- (1) No licensee shall at any time after the expiry of four month from the date referred to in clause 3 have in his position any quantity of tea waste exceeding the quantity which may be fixed from time to time in respect of him in this behalf by the licensing authority.

(2) The licensing authority for the purpose of fixing any quantity of tea waste under sub-clause (1) shall have regard to the following factors, namely--

(i) tea waste sold or exported or *bought or imported* by the licensee or utilised by him in the manufacture of caffeine or instant tea in the calendar year immediately proceeding the date of the licence or, as the case may be, the date of renewal thereof.

- (ii) such other factors as the licensing authority may consider relevant in the circumstances of the case.

14. Taking of samples -- (1) Any officer of the Board duly authorised by the licensing authority may at all reasonable times take samples of tea waste held in stock by a licensee or by any other person in such manner as may be prescribed by the licensing authority and have them analysed by an analyst approved by the licensing authority for the purpose of ascertaining in the tea waste has been denatured in accordance with the second proviso to clause 3.

(2) Where any sample is taken under sub-clause (1), its cost calculated at the rate at which such tea waste is usually sold shall be paid or offered to the person from whom it is taken.

15. Maintenance of records-- (1) The Licensing Authority may issue directions to any licensee requiring him to maintain such records of his purchases, sales, exports, contracts or other matters connected with his undertaking, or business, in tea waste and in such form as may be specified in the directions.

(a) Any direction of the nature referred to sub-clause (1) may be issued generally to all licensees or any class thereof.

16. Power to enter, search and seize-- (1) The licensing authority or any officer of the Board specially authorised in writing by that authority in this behalf or an officer of the Central Excise Department not below the rank of Inspector may enter and search at all reasonable times any land, building, enclosed place, premises, vehicle, vessel, aircraft, conveyance, plant or machinery upon or in which tea waste is processed, sorted, stored, manufactured, carried or sold ; and such authority or officer, having reason to believe that tea waste is being processed, sorted, stored, carried or sold in contravention of this Order may seize such tea waste.

(2) The provisions of sections 102 and 103 of the Code of Criminal Procedure, 1898, relating to search and seizure shall so far as may be, apply to searches and seizures under this clause.

(3) Where the Licensing Authority or any officer of the Board seizes any tea waste under sub-clause (1) and decides to keep the same in the safe custody of the owner of such tea waste, such authority or officer shall, after sealing the stock, make and order to that effect in Form D and serve the same on the owner and the owner shall comply with such order.

17. Checking of accounts--(1) The licensing authority or any officer of the Board specially authorised in writing by that authority in this behalf or an officer of the Central Excise Department not below the rank of Inspector may check the accounts or records of tea waste of any licensee, or check his stocks of tea waste physically for all or any of the purposes of the Act, or this Order.

(2) Where the stocks of tea waste are to be checked physically the licensee shall provide every facility to the officer or authority concerned, to make the physical check possible.

18. Fees for a licence-- The fee payable to the licensing authority for the grant of a licence shall be one hundred rupees and for its renewal fifty rupees.

19. Modes of service of an order or direction-- Any order or direction made or issued by the licensing authority may be served in the

following manner, namely--

(a) in the case of an order of a general nature or affecting a class of persons by notification in the Official Gazette.

(b) in the case of an order directed to a special individual--

(1) by delivering or tendering it to that individual ; or

(2) if it cannot be so delivered or tendered, by affixing it on the outer door or some other conspicuous part of the premises in which that individual lives, and a written report thereof shall be prepared and witnessed by two persons living in the neighbourhood.

19A. False declaration of tea waste as tea to be deemed as contravention of this Order-

(1) If a manufacturer makes a declaration or attempts to make a declaration that the tea waste held in his stock is tea, for the purpose of obtaining clearance from the factory under the Central Excise Rules, 1044, he shall be deemed to have contravened the provisions of the Order.

(2) Where any officer of the Central Excise Department responsible for allowing clearance of tea from the factory of a manufacturer suspects that the tea produced to be cleared is tea waste he shall, before allowing the clearance of tea, draw representative samples there from in the presence of the manufacturer, divide the same into three parts and mark and seal or fasten up each part in such a manner as its nature permits. He shall deliver one of the parts to the manufacturer, send another part to the Tea Board for a finding whether the tea proposed to be cleared is tea or waste and retain the third part for production in case any legal proceedings are taken against the manufacturer.

20. Breach of Conditions of Licence to be Deemed as Contravention of this Order- If any licensee commits any breach of any breach of the terms and conditions of the licence, he shall be deemed to have contravened the provisions of this Order.

21. Power to Exempt-- Where the licensing authority is satisfied that having regard to the promotion of research or for the utilisation of tea waste for experimental purpose, it is necessary or expedient in the public interest so to do, it may, for reasons to be recorded in writing, exempt for a period of six months any tea estate, research organization or any other person, whether a licensee or not, from any of the provisions of this order.

Provided that where the licensing authority is satisfied that such exemption should continue to have effect after the expiry of the period of six months aforesaid, it may, from time to time, extend the period of such exemption for such period not exceeding six months at a time.

New Delhi, the 6th July, 1959.

G.S.R. 799 in pursuance of clause 3 of the Tea Waste (Control) Order 1959, the Central Govt. hereby fixes the 1st day of October, 1959 as the date for the purposes of the said clause.

(No.32(8) Plant/54)
P.V. Ramaswamy, Under Secretary

Vide the Gazette of India : July 11, 1959 / As a dt.20, 1881.[Part II Sec.3(1)].

Clause 2(g) inserted vide GSR 763 (E) Dated 23RD December 1998
Clause 3 substituted vide GSR 763 (E) Dated 23RD December 1998
Clause 6(2)(e) inserted vide GSR 763 (E) Dated 23RD December 1998
Clause 13(2)(i) substituted vide GSR 763 (E) Dated 23RD December 1998
In SI No 4(i) of Form A, inserted vide GSR 763 (E) Dated 23RD December 1998
In SI No 4(g) of Form B, inserted vide GSR 763 (E) Dated 23RD December 1998

@ Clause 2(d) substituted vide GSR 629 (E) Dated 31st August 2001
@ In second proviso of Clause 3 inserted vide GSR 629 (E) Dated 31st August 2001
@ Clause 8A substituted vide GSR 629 (E) Dated 31st August 2001

\$ Clause 2(h) substituted vide GSR 167 (E) Dated 5th March 2002
\$ Clause 3A inserted vide GSR 167 (E) Dated 5th March 2002

FORM A

Form of application for licence, (See clause 5)

To
The Licensing Authority,
Tea Board,
14, B.T.M. Sarani,
(Brabourne Road),
Calcutta - 700 001.

Application for Licence

1. Name of the Applicant (in block letters) (in case of a partnership concern the names of all partners should be given)

2. Address :

3. Purpose for which licence is required -- Export, sale, purchase or -- holding in stock of tea waste

4. Quantities of tea waste purchased, sold, held in stock, exported or utilised for manufacture of caffeine during each of the preceding three calendar years --

Quantity of Tea Waste	19	19	19
	kg	kg	kg
(i) Purchased/accrued/ # imported			
(ii) Sold			
(iii) Held in stock			
(iv) Exported			
(v) Utilised for manufacture of caffeine			

5. Quantity of Tea Waste held in stock on the date of application.

Kg _____

6. Details of the place at which tea waste is proposed to be stored.

ADDRESS	Whether the godown or place of storage will be kept under lock	Whether storage space will be utilised for storing tea waste only
---------	--	---

7. Whether the application is engaged in buying and selling tea, whether loose or in packets. If the answer is in the affirmative the address of the place or storage of tea and of the factory where storing, gardening, cleaning or blending is done should be stated.

I/We hereby declare that if a licence is/are granted to me/us by the Licensing Authority for the above mentioned purpose in terms of clause 6(2) of the Tea Waste Control Order 1959, I/We shall abide by the terms and conditions of the licence.

Date.....

Signature of the applicant

Explanatory Note :- This application should be signed by the proprietor of the business, or in the case of a firm, by one of the authorised partners ; or in the case of a business of a Hindu undivided family by the Karta of the family ; or in the case of a company, by the Director, Managing Agent or principal officer managing the business.

FORM --- B
Form of Licence
(See Clause 6)

TEA BAORD
14, B.T.M. Sarani,
(Brabourne Road)
Calcutta - 700 001.

Dated :-

Licence No.....

Shri/Sarvashri..... of.....is/are hereby authorised to buy, sell, hold in stock, export tea waste under the Tea Waste (Control) Order, 1959 subject to the terms and conditions of the licence specified, below.

This licence shall remain in force from..... to the 31st December, 19..... unless previously cancelled and is not transferable.

The place of storage is at..... and the maximum quantity of tea waste which the licensee may have in his possession at any time is fixed atkg. only.

Date :

Chairman, Tea Board
Licensing Authority.

Terms and conditions of licence

1. The licensee shall produce his licence for inspection on demand by Licensing Authority or by any officer of the Tea Board duly authorised by that authority.

2. Within twenty-four hours from the time of booking or despatch whichever is earlier of each consignment of tea waste by rail, road or steamer and within twenty-four hours from the time of handling over of each consignment where delivery is made by the seller of tea waste ex-godown, every licensee (consignor/deliverer of the consignment) shall send intimation in writing containing the particulars set out below to the local officer of the Central Excise

Department, with a copy to the Tea Board, Calcutta and a copy to the collector of excise having jurisdiction at the receiving end. A copy of the note containing the said particulars shall also accompany the consignment.

The particulars are :--

- (a) quantity of tea waste(including weight denaturant mixed) consigned or delivered ex-godown ;
- (b) date of booking or despatch of delivery ex-godown ;
- (c) railway, road or steamer receipt number ;

- (d) name, address and licence No. of the consignor (Seller) ;
- (e) name and address of the person to whom delivered and licence No., if any when delivery is made ex-godown ;
- (f) Name, address and licence No. of the consignee (purchaser),

3. The consignor shall mark every package of tea waste with the label “Tea Waste” in bold letters and give the following particulars on each package ---

- (a) name, address and licence No. of consignor ; and
- (b) name, address and licence No. of consignee,

4. Within twenty four hours from the time of arrival of each consignment of tea waste at the licensed ; every licensee shall send an intimation in writing containing the particulars stated below to the Tea Board.

- (a) quantity of the denatured tea waste taken delivery of ;
 - (b) date place and time of taking delivery ;
 - (c) particulars of transport used for removal of tea waste from the point of delivery to the godown of the licensee viz, Lorry No..... Handcart No..... etc. or the name of the transport agency employed for the purpose ;
 - (d) name address and licence No. of the consignee (Seller) ;
 - (e) name address and licence No. of the consignee (Purchaser) ;
 - (f) Location of the godown where the tea waste is stored after receipt or delivery.
- # (g) *submit an attested / notarised copy of the Registration Certificate in cases of Registered Sellers of Tea Waste.*

F O R M 'C'
(See Clause 8)

Form of application for renewal of licence under
clause-8 of the Tea Waste (Control) Order, 1959.
(To be sent to the Licensing Authority in duplicate)

To :
The Licensing Authority,
Tea Board,
14, B.T.M. Sarani,
(Brabourne Road),
Calcutta - 700 001.

Sir,

I/We hereby apply for renewal of Licence No.
dated.....

Full name and address of the applicant
(in block letters).....

(in case of partnership concern, the name of all partners should be given).

Date.....

Place.....

Signature of the applicant.

Explanatory Note:- This application should be signed by the proprietor of the business
; or in the case of a firm, by one of the authorised partners ; or in case
of a business of a Hindu Undivided family, by the Karta of the family
; or in the case of a company by a Director, Managing Agent or
principal officer thereof ; or in the case of any other association
of individuals, by the principal officer Managing the business.

Certified that the Licence No..... granted on the to under
the Tea Waste (Control) Order, 1959 is hereby renewed until the 31st December, 19.....
unless previously cancelled before that date under the provisions of the Tea Waste (Control)
Order, 1959.

Date.....

Renewal No.....

Chairman
Tea Board
Licensing Authority.

TEA BOARD
“FORM D”
[See Clause 16 (3)]

Whereas it appears to me that you have, in contravention of Clause.....of the Tea Waste (Control Order 1959. Kept tea waste in premises No.....

Now therefore, I seize it and hereby direct you to keep in your safe custody the said sealed stock about Kilos/bags subject to such order as may subsequently be issued in relation thereto. The Board do not hold themselves liable for any claim for rent or any other charges or for any loss you may sustain for the tea waste seized and handed over to you for safe custody.

Place _____ Signature _____

Date _____ Designation _____

Witness

1. _____

(Name)

(Address)

(Signature)

2. _____

(Name)

(Address)

(Signature)

Received the original of the above. I have read the contents and agree to abide by it.

