

The
Bangladesh  Gazette

Extraordinary
Published by Authority

THURSDAY, AUGUST 27, 1987

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH

MINISTRY OF COMMERCE

ORDER

Dhaka, the 25th August, 1987

No. S. R. O. 177-L/87.—In exercise of the powers conferred by section 3 of the Control of Essential Commodities Act, 1956 (E. P. Act I of 1956), the Government is pleased to make the following Order, namely:—

1. **Short title.**—This Order may be called the Gold (Procurement, Storage and Distribution) Order, 1987.

2. **Definitions.**—In this Order, unless there is anything repugnant in the subject or context,—

(a) "article" means anything other than ornaments in a finished form made of, manufactured from or containing, gold and includes;

(i) any gold coin,

(ii) broken pieces of an article,

(iii) gold bullion;

(b) "Company" means a company as defined under the Companies Act, 1913 (VII of 1913);

(4925)

Price : 75 paisa

- (c) "dealer" means a person who, directly or otherwise, carries on the business of procuring, storing, distributing, making, melting, refining, processing, converting, gold or lending against gold and includes—
- (i) a company, bank, society registered under the Societies Registration Act, 1860 (XXI of 1860), co-operative society incorporated under any law with respect to co-operative societies, firm, money-lender or other association of persons which carries on such business, or—
 - (a) buys or accepts gold for the purpose of making ornaments, or
 - (b) makes, manufactures, prepares, repairs or polishes ornaments, or
 - (c) processes, melts or converts gold for the purpose of making ornaments, or
 - (d) sells, supplies, or distributes ornaments or other gold for the purpose of making ornaments, to its members;
 - (ii) a commission agent, broker, auctioneer or other mercantile agent, who carries on such business on behalf of any principal;
- (d) "Director-General" means the Director-General of Prices and Market Intelligence and includes the Director or Deputy Director or Assistant Director or any other Officer authorised by the Director-General to exercise all or any of his powers under this Order;
- (e) "gold" means gold, including its alloy (whether as ingot, melted or remelted, wrought or unwrought), in any shape or form, of a purity of not less than nine carats and includes article and ornament, whether plain or engraved with pearl, real or imitation stone;
- (f) "Ornament" means a thing in a finished form, meant for personal adornment or for the adornment of any idol, deity or any other object or religious worship, made of, or manufactured from, gold, whether or not set with stones or gems, real or artificial, or with pearls, real, cultured or imitation or with all or any of them and includes parts, pendants or broken pieces of ornaments;
- (g) "Value", in relation to article or ornament, means the market price of gold at which it is ordinarily sold.

3. **Order not to apply to Bangladesh Bank.**—This Order shall not apply to the Bangladesh Bank.

4. **Dealer.**—(1) No dealer shall commence, or carry on, business or lend against gold unless a licence is obtained from the Director-General under paragraph 5.

(2) A dealer shall not, without the prior permission in writing of the Director-General, carry on business in any premises other than the premises specified in his licence.

(3) Every dealer shall stamp every piece of article or ornament made, manufactured or prepared by him indicating the name or mark of the dealer.

(4) No dealer, except banks, shall have, at any time in his possession or custody, gold except the quantity which could be accounted for in connection with the making, manufacturing or repairing of articles or ornaments.

5. **Grant or renewal of licence and licence fee.**—(1) An application for a licence shall be made in Form A to the Director-General who may, after making such enquiry as he deems fit, grant a licence in Form C on payment of the fees in the following categories :—

- (a) *Category 'A'*—Dealers having annual transactions exceeding 100 kgs. (1,00,000 grams) of gold ;
- (b) *Category 'B'*—Dealers having annual transactions exceeding 50 kgs. (50,000 grams) but not exceeding 100 kgs. of gold;
- (c) *Category 'C'*—Dealers having annual transactions exceeding 20 kgs. (20,000 grams) but not exceeding 50 kgs. of gold;
- (d) *Category 'D'*—Dealers having annual transactions exceeding 20 kgs. (20,000 grams) of gold.

(2) Every dealer shall pay a licence fee as specified in the table below :—

Sl. No.	Category	Licence fee (in Taka)
1	A	1,000·00
2	B	500·00
3	C	300·00
4	D	200·00

(3) All applications for renewal of licence shall be made in Form B to the Director-General at least thirty days prior to the expiry of the validity period;

Provided that a dealer may, on payment of an additional fee at the rate of 25% of the renewal fee, submit his application after expiry of the validity of the licence upto ninety days and thereafter the late fee shall be realised at the rate of 100% of the renewal fee and the renewal licence shall be granted in Form C.

(4) The renewal fee shall be the same as that of licence fee.

(5) The licence fee and the renewal fee shall be deposited in the Bangladesh Bank or Government treasury or sub-treasury through challan under the Head "42-Trade and Commerce—Licence fee for Distribution of Gold" and one copy of the challan shall be submitted along with the application form.

(6) All licences, unless suspended or cancelled, shall remain valid during the financial year, expiring on the thirtieth day of June every year.

6. **Power of the Director-General to refuse to grant licence, etc.**—(1) The Director-General may, after making a record in writing,—

- (a) refuse to grant a licence, or
- (b) refuse to renew a licence.

(2) Any person aggrieved by the refusal of the Director-General may prefer an appeal to the Government whose decision in this behalf shall be final.

7. **Declaration and returns.**—(1) Every dealer shall make a monthly declaration in Form D.

(2) Declaration made under sub-paragraph (1) shall be made in duplicate, one copy of which shall be signed by the Director-General as a token of receipt and returned to the dealer making the declaration and the copy so returned shall be retained by the dealer as evidence of the declaration made by him.

(3) Every declaration shall be kept by the Director-General in safe custody and the particulars thereof shall be entered in a register to be maintained for this purpose.

(4) No dealer shall own or have in his possession, custody or control any quantity of gold which is required to be included in a declaration, unless included in the declaration.

8. **Display of licence.**—Every dealer shall display his licence at a conspicuous place of the premises in which he carries on business.

9. **Cancellation and suspension of licence, etc.**—(1) The Director-General may, if he has reasons to believe that the holder of any licence has made any statement in, or in relation to, any application for the issue or renewal of a licence which is incorrect or false in material particulars or has contravened any provision of this Order, suspend or cancel such licence pending completion of enquiry after giving the holder of such licence an opportunity of being heard.

(2) Every person whose licence has been suspended or cancelled shall immediately after such suspension or cancellation stop functioning as a dealer and shall not resume business until the order of such suspension has been vacated or the order of cancellation has been withdrawn.

(3) Every person who holds a licence which is suspended or cancelled shall immediately surrender such licence to the Director-General.

(4) A dealer who discontinues or intends to discontinue business may make an application to the Director-General for the cancellation of his licence and thereupon the Director-General shall cancel the licence which was issued or renewed to such dealer.

(5) No change in the ownership or in the composition of partnership shall be made without the prior approval in writing of the Director-General.

10. **Succession.**—Where the business of a dealer is transmitted by succession, the heir or legatee shall not carry on such business unless the heir or legatee has, before the expiry of sixty days after the date of such transmission, made an application to the Director-General for obtaining his approval.

11. **Cash Memorandum.**—(1) Every dealer shall, at the time of making any transaction like buying, selling making, repairing, polishing of gold, ornament or article, issue a cash memorandum in duplicate containing particulars of the

transaction including description, weight and value of the gold, ornament or article, as the case may be, name, address and signature of the buyer or seller, as the case may be, and the duplicate copy of the cash memorandum shall be kept by the dealer.

(2) The cash memorandum shall also indicate separately the ratio of pure gold (Tejabi), alloy (Khad), inlays (Meena), fillings (Panmora), stones, if any, duties and taxes, if any, and making or servicing charges.

(3) In case of any dispute regarding any matter specified in sub-paragraph (2), it shall be referred to the Bangladesh Standard Institution and the decision of the Institution in this regard shall be final.

12. **Fixation of price.**—The Director-General may, by notification in the official Gazette, fix the maximum price of gold above which no dealer shall sell gold.

13. **Price to be exhibited by the dealer.**—The dealer shall exhibit in a conspicuous place of the premises the price of gold.

14. **Restriction on business of gold, etc., within border belt.**—No licence shall be issued to any person to deal in any business in gold, ornament or article and no dealer shall carry on such business in gold, ornament or article within the border belt.

Explanation.—In this paragraph, the words “border belt” means the area extending upto five miles inside Bangladesh from its border but does not include any District or Upazila headquarter within such area.

15. **Restriction on movement of gold.**—The Government may, by notification in the official Gazette, restrict the movement of gold, ornament or article within the country.

16. **Power of exemption.**—The Government may, by notification in the official Gazette, exempt any person or class of persons from all or any of the provisions of this Order.

17. **Power to search, inspect, etc.**—The Director-General may—

- (a) require any dealer to give such information in his possession with respect to any business carried on by him.
- (b) inspect or cause to be inspected any book or other documents belonging to, or under the control of, any dealer;
- (c) enter and search or authorise any person to enter and search any premises and seize and take into possession or authorise any person to seize or to take into possession any gold, ornament or other article including the records connected therewith in respect of which he has reason to believe that the contravention of this Order has been or is being or is about to be committed.

18. **Forfeiture of gold, etc.**—A court trying any contravention of this Order may, without prejudice to any other sentence which he may pass, direct that gold, ornament or article in respect of which it is satisfied that the contravention of this Order has been made, shall be forfeited to the Government.

19. **Repeals and savings.**—(1) The Gold (Procurement and Distribution) Order, 1958, is hereby *repealed*.

(2) Notwithstanding such repeal, anything done, any action taken, direction given, licence issued shall, in so far as it is not inconsistent with the provisions of this Order, be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of this Order.

FORM A

[See paragraph 5(1)]

Application from for grant of licence under paragraph 5(1) of the Gold (Procurement, Storage and Distribution) Order, 1987.

1. Category of licence applied for.....
2. Treasury Challan No. and date on which fee has been deposited
3. Particulars of the applicant to whom the licence is to be issued :—
 - (a) Name
 - (b) Father's/Husband's name
 - (c) Address : (i) Permanent
 - (ii) Present
 - (d) Nationality.....
 - (e) Place of birth.....
4. Whether the applicant is a minor.....
5. Whether the applicant has any other business or trade? If yes, give particulars.....
6. Address of place/intended place/ of business
7. Whether the premises proposed to be used as a business place is a rented or owned by the applicant? Rent receipt of the premises or proof of ownership, as the case may be, to be furnished
8. Whether the applicant possesses any other licence to deal in gold anywhere in Bangladesh. If so, the number and date of the licence, address of the place of business to be mentioned

9. Date or proposed date of commencement of business
10. Whether the applicant is an income tax payee? If so, enclose the attested copy of the last assessment order
11. Number of trade licence, if any. (Enclose attested copy of the current licence)

I/We,.....hereby solemnly declare that the statements made above are true and correct to the best of my/our knowledge and belief and I/We shall be liable to punishment for making false statement.

Signature of the applicant.

Dated :

Full Address :

Form of Receipt

Received from.....
.....an application for licence.....
together with Challan No.....,dated.....
showing the deposits as required under paragraph 5(5).

Dated :

Director-General.

FORM B

[See paragraph 5(3)]

Application form for renewal of licence under paragraph 5(3) of the Gold (Procurement, Storage and Distribution) Order, 1987.

1. Category of licence.....
2. Number and date of the licence expired (licence is to be enclosed).....
3. Treasury Challan No. and date
4. Particulars of the applicant to whom the licence is to be issued :—
 - (a) Name
 - (b) Father's/Husband's Name
 - (c) Address : (i) Permanent
 - (ii) Present
 - (d) Nationality
 - (e) Place of birth.....
5. Address of place of business.....
6. Transaction of gold during the preceding year
7. Whether the applicant is an income-tax payee? If so, enclose the attested copy of the last assessment order
8. Number of trade licence, if any (Enclose attested copy of the current licence)

Signature of the applicant.
Full Address :

Dated :

From of Receipt

Received from.....an application for renewal of licence No., dated.....together with Challan No....., dated.....showing the deposits as required under paragraph 5(5).

Dated :

Director-General.

FORM C

[See paragraph 5(1) and (3)]

Licence granted under paragraph 5 of the Gold (Procurement, Storage and Distribution) Order, 1987.

Licence No..... Dated.....

Mr./Mrs.....whose particulars are given below, is granted licence under the Gold (Procurement, Storage and Distribution) Order, 1987, the deal in gold business covered by Category.....

(a) Address of the licence.....

(b) Particulars of place of business.....

2. The licence shall be valid upto the thirtieth day of June,.....
3. The licence shall abide by the provisions of the Gold (Procurement, Storage and Distribution) Order, 1987.
4. The licence shall be subject to the conditions stated below:

Director-General

(Seal and date).

Renewed for the year

Conditions

1. The licence shall be kept in the approved premises of business.
2. The licensee shall issue to every buyer or seller, as the case may be, a cash memorandum giving his name, licence number, rate at which gold is sold or bought and the salesman's and buyer's or seller's signature, and shall keep duplicate copies of all such cash memoranda arranged serially to be available for inspection on demand by the Director-General or any officer authorised by him in writing in this behalf and shall preserve all such duplicate copies of cash memoranda.
3. The licensee shall, in every month, submit a statement in Form D to the Director-General so as to reach him on or before the 7th day of the following month.
4. The licensee is required to submit his application for renewal of his licence in Form B before the 31st May of every year.
5. The licensee shall exhibit the price of gold in the approved premises of business.

FORM D

[See paragraph 7(1)]

Statement under paragraph 7 of the Gold (Procurement Storage and Distribution) Order, 1987, for the month of, 19.....

Quantity of gold acquired.	Quantity of gold disposed of.	Remarks.
----------------------------	-------------------------------	----------

I/We.....hereby solemnly declare that the statements made above are true and correct to the best of my/our knowledge and belief and I/We shall be liable to punishment for making false statement.

Dated :.....

Signature of the dealer.
Full Address :

By order of the President
A.B.M. GHULAM MOSTAFA
Secretary.