

The Bihar Bricks Control Order, 1983

BIHAR

India

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Rule THE-BIHAR-BRICKS-CONTROL-ORDER-1983 of 1983

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The Bihar Bricks Control Order, 1983Published vide Notification No. G.S.R. 24, Bihar Gazette, (Extra-ordinary) dated 19th July, 1983G.S.R. 24, dated 19th July, 1983. - In exercise of the powers conferred by Section 3 of the Bihar Bricks Supplies (Control) Second Ordinance, 1983 (Bihar Ordinance 13 of 1983) and all other powers enabling him in this behalf, the Governor of Bihar is pleased to make the following Order, namely :-

1. Short title, extent, and commencement.

(1)The Order may be called the Bihar Bricks Control Order, 1983.(2)It extends to the whole of the State of Bihar.(3)It shall come into force at once.

2. Definitions.

- In this Order, unless there is anything repugnant in the subject or context-(a)"Consumer" means a person who acquires bricks for private consumption and not for sale ;(b)"Licensing Authority" means the District Magistrate of a District or any other officer authorised by the State Government in this behalf within the limits of whose jurisdiction a manufacturer or a dealer is engaged in the business of manufacturing or dealing or storing bricks for the purpose of sale ;(c)"State Government" means the Government of the State of Bihar;(d)"Brick-year" to the 30th September of the following calendar year;(e)"Commissioner" means Divisional Commissioner and includes Food Commissioner, Bihar;(f)"The Ordinance" means the Bihar Bricks Supplies (Control) Ordinance, 1983; and(g)Words and expressions used in the Order but not defined herein shall have the same meanings as are respectively assigned to them in the Ordinance.

3. Licensing of dealers and manufacturers.

(1)No person shall manufacture or sell or store for sale bricks after sixty days from the date of commencement of this Order except under and in accordance with the terms and conditions of a

licence issued to him in this behalf by the Licensing Authority.(2)For the purpose of sub-clause (1), any person, who stores bricks in quantity of one lakh or more or any registered firm or institution which stores bricks in quantity of three lakhs or more unless the contrary is proved or has obtained the written permission of the Licensing Authority, be deemed to store the bricks for the purpose of sale :Provided that no such stipulation shall apply in case of a Government Department, Semi Government Organisation or statutory bodies set up by the Statutes.(3)A separate licence shall be necessary for each place of a business.

4. Issue of a licence.

(1)Every application for grant of licence shall be made to the Licensing Authority in Form 'A' hereto annexed.(2)Subject to the general or special instructions issued by the State Government, from time to time, in this behalf a licence may, if the site of kiln is not detrimental to the health of general public, the crops, gardens, nurseries or in proximate thereto, be granted or renewed.(3)Every licence issued, re-issued or renewed under this Order shall be in Form 'B' hereto annexed and shall be subject to the conditions specified therein.

5. Period of a licence and fees chargeable.

(1)Every licence issued under this Order shall be valid from the date of issue till the last day of the brick-year in which it is issued and may thereafter be renewed for a further period of one brick-year at a time.(2)Application for renewal of a licence shall ordinarily be made before the 30th September of the Brick-year to the Licensing Authority together with the licence and Treasury Chalan in original showing the deposit of the requisite renewal fee. If an application for renewal of a licence is made to the Licensing Authority after 30th September but before the 31st October of the following brick-year, a fine equal to half of the amount of the renewal-fee, and if made-up to the 31st December of the brick-year, a fine equal to the full amount of the renewal fee, besides the renewal fee shall be chargeable for each renewal. No application for renewal of the licence for the brick-year.(3)Where the application for renewal of a licence has been made to the Licensing Authority within the prescribed time-limit with the requisite renewal fee, the applicant shall be deemed to be duly licensed until such date as the Licensing Authority passed order on his application for renewal.(4)The fees specified before shall be chargeable in respect of each licence namely:- (a)For issue of a licence-Rs. 200 (Rupees two hundred).(b)For renewal of a licence-Rs. 100 (Rupees one hundred).(c)For issue of a duplicate licence-Rs. 200 (Rupees two hundred).These fees shall be deposited in Government Treasury under head "LII-Miscellaneous-Other fees-Fines and forfeiture-Licence fee under Bihar Bricks Control Order, 1983 to the credit of the State Government."

6. Contravention of the provisions of this Order and conditions of the licence.

(1)No holder of a licence issued under this Order or his agent or his servant or any person acting on his behalf shall contravene any provision of this Order and any of the terms or conditions of the licence and any person acting on his behalf contravenes any provision of this Order or any of the terms or conditions of the licence then, without prejudice to any other action that may be taken

against him, his licence may be cancelled or suspended by order in writing of the Licensing Authority: Provided that no order shall be made under this clause unless the licensee has been given a reasonable opportunity of stating his case against the proposed cancellation or suspension. (2) Every licensee whose licence has been suspended or cancelled shall dispose of his stock of bricks in accordance with the order of the Licensing Authority passed in this behalf.

7. Appeal.

(1) Any person aggrieved by an order of the Licensing Authority - (a) refusing to grant a licence, or (b) cancelling or suspending a licence, may within thirty days of the date of receipt of a copy of such order, appeal to the Commissioner of the Division concerned. (2) The State Government may on its own motion or on application made to it in this behalf, call for and examine the record of any proceeding disposed of by the Commissioner of the Licensing Authority under this Order and pass such order as it deems fit and necessary.

8. Fixation of size and specification of bricks.

- No licensee shall manufacture bricks of size and specification other than the metric size and specification of bricks specified in the Indian Standard Specification to this Order or its current standard as modified, from time to time : Provided that a transition period of two years from the commencement of this Order, licensee may continue to manufacture bricks of old size or nonstandard size up to fifty per cent of the total annual production.

9. Price of bricks.

(1) No person shall purchase or sell brick at a price higher than that fixed, for different categories of bricks corresponding to the classification of the relevant I.S. Classification, by the Licensing Authority or any other person authorised from time to time by the State Government for this purpose. (2) The price of bricks shall be fixed by the Licensing Authority on the above, and- in consultation with, the local Superintending Engineer of the Public Works Department or the Bihar State Housing Board or any other officer authorised by the State Government in this behalf. All relevant factors especially the following shall be kept in view while fixing the price of bricks :- (a) cost of coal including freight, transport, loading/unloading charges, (b) expense incurred on moulding of kacha bricks, including expense on sand, clay and water; (c) expense in loading and unloading bricks from kiln and stocking in the premises of the bricks kiln; (d) Mistri and labour charges for firing kiln; (e) maintenance of temporary labour huts : chimney and bricks kiln equipment; (f) cost of firewood and igniting coal; (g) tax and overheads; (h) natural damages to bricks; and (i) profit not exceeding fifteen per cent. (3) The decision of the Licensing Authority or Superintending Engineer, Public Works Department or Bihar State Housing Board or any other officer authorised by the State Government for this purpose as to which class or category particular stock of brick belongs shall be final.

10. Display of price list and stock of bricks.

- Every license shall cause to be prominently displayed on a notice board to be especially maintained for the purpose at or near the entrance of the place of business-(a)the stock of different classes of bricks held by him from time to time and ready for sale; and(b)the price at which different classes of the bricks will be sold.

11. Regulation of distribution and sale.

- Subject to any general or special Order of the State Government the Licensing Authority may by order in writing regulate the distribution and sale of bricks and may direct a licensee to reserve specified quantity of bricks manufactured by him for purchase by Government Department, Semi Government Organisation or Local Body or any body corporate set up under any statute :Provided that Licensing Authority shall not reserve more than seventy-five percent of the annual production of any licensee under this Order.

12. Power of entry, search, seizure, etc.

(1)The Director of Food and Civil Special Officer-in-charge Rationing, Patna, Ranchi, Dhanbad, Jamshedpur, Deputy Director of Food and Civil Supplies, District Magistrate, Sub-divisional Officer, any Magistrate, District Supply Officer, Assistant District Officer, Block Development Officer, Circle Officer, Assistant Rationing Officer, Marketing Officer, Assistant Marketing Officer, Supply Inspector and any Police Officer not below the rank of Sub-Inspector of Police, or any other officer authorised by the State Government in this behalf may, with such assistance as may think fit, enter, inspect and search any place or premises, vehicles or vessels in which he has reason to believe that any contravention of the provisions of this Order has been is being or is about to be made ;Provided that in the exercise of this power, the Officer shall pay due regard to the social and religious customs of the occupant of such place or premises.(2)If any of the places or premises is found locked up or un-occupied unattended by or on behalf of the owner or occupier the same may in the presence of two witnesses be broken up and entered upon for all or any of the aforesaid purposes and may-(a)require the owner, occupier or any other person-in-charge of such places, premises, vehicle, vessels and aircraft to produce any books, accounts or other documents showing transactions relating to such contraventions :(b)take or cause to be taken extracts from or copies of any document showing transactions relating to such contravention ; and(c)search, seize and remove stocks of bricks held in contravention of the provisions of this Order.(3)The provisions of Section 100 of the Code of Criminal Procedure, 1973 (Act II of 1974) relating to search and seizure shall so far as may be apply to searches and seizures under this clause.Exemption. - The State Government may, by order exempt any class of person or institution or corporate body from the operation of any or all of the provisions of this Order and may from time to time suspend or cancel such exemption.