

Bihar Essential Articles (Display of Prices and Stocks) Order, 1977

JHARKHAND

India

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Rule

BIHAR-ESSENTIAL-ARTICLES-DISPLAY-OF-PRICES-AND-STOCKS-ORDER, 1977

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Bihar Essential Articles (Display of Prices and Stocks) Order, 1977Published vide G.S.R. 75, Dated 10.9.1977 and Re-published vide G.S.R. 11 dated 30.4.1986G.S.R. 75, dated 10th September, 1977. - Whereas the Government of Bihar is of opinion that for the maintenance and increase of supplies and services essential to the life of the community and for securing the equitable distribution and availability of any article or thing at fair prices, it is necessary and expedient to make an order to provide for regulating the supply, distribution, use and consumption of articles and things and trade and commerce therein;Now, therefore, in exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (10 of 1955) read with the order of the Government of India in the Ministry of Agriculture published under G.S.R. 316(E), dated the 20th June, 1972 and the order of the Government of India in the Ministry of Industry and Civil Supplies under S.O. 681(E) and S.O. 682(E) both, dated the 30th November, 1974 and with the prior concurrence of the Government of India, Ministry of Civil Supplies and Co-operation received under the letter No.

F-20(10)/77-E.C.R.,dated the 20th September, 1977, the Governor of Bihar is pleased to make following Order:G.S.R. 11, dated the 30th April, 1986. - Whereas the Government of Bihar is of opinion that for the maintenance and increase of supplies and services essential to the life of the community and for securing the equitable distribution and availability of any articles or thing at fair prices, it is necessary and expedient to make an order to provide for regulating the supply, distribution, use and consumption of articles and things and trade and commerce therein;Now, therefore, in exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (10 of 1955) read with the order of the Government of India in the Ministry of Agriculture published under G.S.R. 316(E), dated the 20th June, 1972 and the order of the Government of India in the Ministry of Industry and Civil Supplies under S.O. 681(E) and S.O. 682(E) both, dated the 30th November, 1974 and with the prior concurrence of the Government of India, Ministry of Civil

Supplies and Co-operation received under the letter No. F-20(10)/77-E.C.R., dated the 20th September, 1977, the Governor of Bihar is pleased to make following Order:-

1. Short title, extent and commencement.

(a) This Order may be called the Bihar Essential Articles (Display of Prices and Stocks) Order, 1977. (b) It extends to the whole of the State of Bihar. (c) It shall come into force at once.

2. Definitions.

(a) "Articles" means any essential commodity mentioned in Schedules I and II appended to this Order and includes any other article to be declared so from time to time, by the State Government or the Commissioner or the District Magistrate empowered by the State Government in this behalf: Provided that if the Commissioner or the District Magistrate is satisfied that there is no shortage, hoarding, or black marketing in any article mentioned in Schedules I and II or for which there is no apprehension of malpractices by the dealers, he may, from time to time by a general or special order, in this behalf, exclude from or add to any item in the said Schedules. (b) "State Government" means the Government of the State of Bihar. (c) "Dealer" means a person who deals in the sale or storage for sale either wholesale or retail of any of the articles mentioned in Schedules I and II and includes his agent or representative or Arhatia. (d) "Price" in relation to an article means the amount of money for which the dealer sells or parts with, agrees to sell or to part with, offers to sell or to part with any includes sales tax and other taxes, if any. (e) "List of prices" means the list maintained from time to time by a dealer in Form "A" of Schedule III of this Order indicating the sale price and stock of these articles specified in which the dealer carries on business. (f) "Commissioner" means the Divisional Commissioner and includes the Food Commissioner, Bihar. (g) "District Magistrate" means the Collector of the District.

3. Display of stock and prices.

- Every dealer shall before commencement of his business on any day display at a conspicuous place near the entrance of his business premises the following:- (a) A list of prices and stocks of all those articles mentioned in Schedule I in which he deals : [Provided that retailers, except the shops established under Public Distribution System shall have to display the prices of each article including taxes and they shall have to display on the Display Board writing the word "Yes" or "No" in place of writing quantity of availability of stocks.] [Substituted by G.S.R. 28 dated 21.6.1986.] (b) The price of every such article mentioned in Schedule II in which he deals in by affixing a price label or price tag to each article, or by putting a price placard where the article is stored or kept for sale, unless the price of the article is stored or kept for sale, unless the price of the article is already printed on the article itself, or its container, or packet or wrapper. (c) List of prices of any article mentioned in Schedule II as may be specified from time to time by the Commissioner or the District Magistrate as the case may be : Provided the numerals to be used in the list of prices shall be either in Devanagari form or in the international form of Indian numerals.

4. Sale of Articles.

- No dealer shall-(a)sell to any person any article mentioned in Schedules I and II at a price higher than that displayed in accordance with clause 3;(b)refuse to sell such articles to any person at a price so specified or marked;(c)[sell any article or articles to any person without issuing a cash memo, or a bill provided that the total value of such sale is above rupees ten or the value of one of the items included in it is above rupees five.] [Substituted by G.S.R. 22 dated 21.7.1989.]

5. Restriction against withholding of stock from sale.

- No dealer, unless previously authorised by the State Government or any other officer authorised by the State Government in this behalf, shall withhold from sale any stock of articles displayed in accordance with clause 3.

6. Power of entry, inspection, search, seizure, etc.

- Any Commissioner, District Magistrate, [The Deputy Inspector General of Police, Economic offence, Bihar, Superintendent of Police (Food), C.I.D., Bihar, Deputy Superintendent of Police (Food) C.I.D. Bihar, Sub-divisional Magistrate or any Executive Magistrate, Deputy Director of Food and Civil Supplies, Additional Collector (Supply), District Supply Officer, Additional District Supply Officer, Rationing Officer, Deputy Rationing Officer, Assistant Rationing Officer, Circle Officer, Block Development Officer, Project Executive Officer, Assistant Project Executive Officer, Marketing Officer, Assistant Marketing Officer, Supply Inspector, [Inspector of Police (Food), C.I.D. Bihar] [Inserted by G.S.R. 33 dated 28.7.1992.] Police Officer not below the rank of Sub-Inspector of Police or any other officer not below the rank may Executive Magistrate authorised by the State Government in this behalf may with a view to secure compliance with this Order or satisfying himself that this Order has been complied with-(a)require any person to give a copy of the list of prices or any other information in his possession in respect of any business of dealer carried by him or on his behalf and such person shall be give the copy or the information required of him;(b)inspect or cause to be inspected any book or document or any stock of articles belonging to or under the control of any person and take such book or document or stock in his possession; and(c)enter and search any premises or place and seize any article in respect of which such officer suspects that any provision of this Order has been or is being or is about to be contravened:Provided that no prosecution shall lie against a person for contravention of any of the provision of this Order unless the same has been sanctioned by the District Magistrate or Special Officer Incharge, Rationing or Additional District Magistrate (Supply) or Sub-Divisional Magistrate within limits of their respective local jurisdiction.

7. Maintenance of stock register in respect of article(s) mentioned in Schedule-1.

- Every dealer shall maintain a correct stock register in respect of the article or articles mentioned in Schedule-1 to the Order.

8. Exemption.

- The State Government may exempt by special or general order, subject to such conditions as may be specified in the Order any person or class of person from the operation of all or any of the provision of this Order and may at any time suspend or cancel such exemption.

9. Repeal.

- From the date of notification of this Order, the Bihar Essential Articles (Display of Prices and Stocks) Order, 1975 shall be deemed to have been repealed, but this repeal would not have adverse effect on the pending cases instituted under the aforesaid Order and the Order would be deemed to be effective till the disposal of the pending cases.

I

Appended to the Bihar Essential Articles (Display of Prices and Stocks) Order, 1977

1. Wheat [and Wheat Products (excluding husk and bran)] [Added by G.S.R. 13 dated 11.9.1997.]

2. Rice.

3. Gram.

4. Atta of wheat, rice or gram.

5. Maize.

6. Pulses grains.

7. Pulses.

8. [* * *] [Omitted by G.S.R. 26 dated 27.6.1989.]

9. Salt.

10. Sugar.

- 11. Gur.**
- 12. Edible Oils of all kinds.**
- 13. Vanaspati of all makes.**
- 14. [Babyfood] [Substituted by G.S.R. 26 dated 27.6.1989.]**
- 15. [* * *]**
- 16. [* * *]**
- 17. [* * *] [Coal & Soft Coke Omitted by G.S.R. 14 dated 21.4.1992.]**
- 18. Matches.**
- 19. Petrol and H.S.D. ex-pump and motor oils in sealed tins.**
- 20. [x x x] [Omitted from Schedule I and added to Schedule II by G.S.R. 26 dated 27.6.1986.]**
- 21. Kerosene oil.**
- 22. Maida/Suji/Rawa.**
- 23. Exercise books.**
- 24. Soda ash (for washing purposes).**
- 25. L.R. gas (for cooking purposes).**
- 26. All varieties of papers.**
- 27. [x x x] [Items 27 to 32 added by G.S.R. 18 dated 27.6.1986 and omitted by G.S.R. 26 dated 27.6.1986.]**
- 28. [x x x]**

29. [x x x]

30. [x x x]

31. [x x x]

32. [x x x]

33. [Cement. [Added by G.S.R. 22 dated 27.6.1986.]

34. Fertiliser, whether inorganic, organic or mixed.]

35. [[xxx] ['Brick' added by G.S.R. 30 dated 27.6.1986 deleted by G.S.R. 31 dated 8.9.1989.]

36. [Raw Jute.] [Added by G.S.R. 34 dated 27.6.1986.]

II

Appended to the Bihar Essential Articles (Display of Prices and Stocks) Order, 1977

1. [x x x] ['Cycle tyres and tubes' omitted by G.S.R. 16 dated 5.10.1990.]

2. [x x x] ['Tyres and tubes of scooters' omitted by G.S.R. 16 dated 5.10.1990.]

3. [Tyres and tubes of Buses and Trucks] [Substituted by G.S.R. 16 dated 5.10.1990.].

4. [x x x] [Omitted by G.S.R. 32, dated 27.6.1986.]

5. Drugs and medicines.

6. [Cattle Fodder, including oil cakes and other concentrates. [Added by G.S.R. 20, dated 27.6.1986.]

7. Hurricane Lanterns.

8. Dry cells for torches and transistor radio.

9. Tea.

10. [x x x]

11. Toilet soaps.

12. Washing soaps.

13. Razor Blades.

14. Shaving Soaps

15. [x x x] [Item no. 15 'Electric bulb' deleted by G.S.R. 8.9.1989.]

16. Iron and Steel.

(i) Black sheets (plain), (ii) Black sheets (Corrugated), (iii) Galvanized sheets (Plain), (iv) Galvanized sheets (Corrugated), (v) Rods, (vi) Joints, (vii) Angles, (viii) Channels, (ix) Plates, (x) Wire, (xi) Bars, (xii) Pig Iron, (xiii) Tin plate, Terne-plate (xiv) Pipes, (xv) Plate.

17. Diesel Engine, Diesel Pumpsets, Electric Motor.

18. Stainless Steel Utensils.

19. Insecticides and pesticides.]

20. Bread (commonly known as Double Roti or Paon roti.

III

Form 'A' List of prices as displayed in accordance with clause 3 of the Bihar Essential Articles (Display of Prices and Stocks) Order, 1977. Date..... Name of the dealer..... Premises of business.....

Serial no.	Name of articles	Quality/ make of articles	Unit of prices	Sale price	Stock	Remarks
1	2	3	4	5	6	7

Note. - (1) Each quality/make of the article should be shown separately so as to indicate the separate price for that Quality/make.(2)In remarks column the dealer will display the price as fixed by the manufacturers, distributors, etc. in respect of the article.Notifications[G.S.R. 24 the 27th June, 1986. - In exercise of the powers conferred under clause 8 of the Bihar Essential Articles (Display of Prices and Stocks) Order, 1977, the Governor of Bihar is pleased to exempt such small dealers who store foodgrains, and pulses taken together upto three quintals; gur upto 50 kg; soda ash upto 50 kg.; matches upto 24 dozens and exercise books (but not Vaishali) upto 24 dozens from the operation of the aforesaid Order.]