

Bihar Trade Articles (Licences Unification) Order 1984

JHARKHAND

India

Bihar Trade Articles (Licences Unification) Order 1984

Rule

BIHAR-TRADE-ARTICLES-LICENCES-UNIFICATION-ORDER-1984 of 1984

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Bihar Trade Articles (Licences Unification) Order 1984Published vide Notification No. G.S.R. 9, dated the 19th April, 1984G.S.R. 9, dated the 19th April, 1984. - In exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (Central Act 10 of 1955) read with the orders of the Government of India in the Ministry of Agriculture and Irrigation (Department of Food) published under G.S.R. 452(E), dated the 25th October, 1972, 168(E), dated the 13th March, 1973 and 800, dated the 8th June, 1978 and in the Ministry of Industry and Civil Supplies (Department of Civil Supplies and Cooperation) published under S.O. 681 (E) and 682(E), dated 30th November, 1974 and with the prior concurrence of the Central Government, the Government of Bihar is pleased to make the following Order, namely :-

Part I – Preliminary

1. Short title, extent and commencement.

(1)This Order may be called the Bihar Trade Articles (Licences Unification) Order, 1984.(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 the context otherwise requires,-(a)"bulk consumer" means a hotel, a restaurant, a halwai, a hospital, an educational institution with hostel facilities or a religious or charitable institution with hostel facilities;(b)[xxx] [Deleted by G.S.R. 12 dated 21.4.1992.](c)["Collector" includes Deputy Commissioner, Additional Collector and such other officers, not below

the rank of Sub-divisional Officer, as may be authorised by the Collector to perform the functions and exercise the powers of the Collector; [Substituted by G.S.R. 47, dated 17.10.1985.](d)"Commissioner" means the Divisional Commissioner;](e)"dealer" means a person, a firm, an association of persons or a Cooperative Society other than a National and State-level Cooperative Society, engaged in the business of purchase, sale or storage for sale of any trade article whether or not in conjunction with any other business and includes his representative or agent but does not include-(i)a person who holds or is in possession of agriculture land under any tenure or any capacity and on which he raises or has raised crop of foodgrains, oilseeds or whole pulses;(ii)a manufacturer of sugar;(iii)[Hawkers engaged in the purchase and sale of non-controlled cloth; [Substituted by G.S.R. 47, dated 17.10.1985.](f)"Edible Oils" means any oil used for cooking for human consumption and included hydrogenated oils;](g)"foodgrains" means any one or more of the foodgrains as specified in Part A of Schedule I and includes products of such foodgrains other than husk and bran;(h)"Form" means a form appended to this Order;(i)"Licensing Authority" means an officer not below the rank of S.D.O. appointed by the State Government to exercise the powers and perform the duties of the Licensing Authority for different areas and under the different provisions of this Order;(j)"lists of prices and stocks" means the list maintained from time to time by a dealer in Form 'E' intimating the sale prices of stocks of the trade articles in which the dealer carries on business;(k)"Oilseeds" means any one or more of the oilseeds as specified in Part "C" of Schedule I;(l)["Place of business" means any place where written transaction of trade articles is done and their stock, sale and account registers are maintained;] [Substituted by G.S.R. 47, dated 17.10.1985.](m)"Price in relation to a trade article" means the amount of money inclusive of all taxes for which the dealer sells or agrees to sell or offers to sell or parts with any trade article;(n)"Producer" means a person carrying on the business of milling any of the pulses or expelling, extracting or manufacturing or refining any edible oil-(i)by buying pulses or oilseeds for being processed by himself and selling the finished products to a wholeseller or through a Commission Agent or [to bulk consumers directly; or] [Substituted by G.S.R. 47, dated 17.10.1985.](ii)by doing any of the processes of milling, extracting or manufacturing or refining on behalf of another;(o)["Pulses" means Urdu, Moong, Arhar, Masoor, Lobia, Rajmaha, gram including peas or any other Dal whether whole or split with or without husk as specified in Part B of Schedule I;] [Substituted by G.S.R. 47, dated 17.10.1985.](p)"Retail dealer" means a person engaged in the business of purchase, sale or storage of any article [specified in Schedule I] for purpose other than personal consumption within the storage limit fixed by the Government from time to time;(q)"Schedule" means a Schedule appended to this Order;(r)"State Government" means the Government of the State of Bihar;(s)"Sugar" means any form of sugar containing more than 90 percent of Sucrose;(t)"Trade article" means any commodity mentioned in Schedule I or Schedule II; and(u)"Wholesale dealer" means a person engaged in the business of purchase, sale or storage of any article [specified in Schedule I] [Substituted by G.S.R. 47, dated 17.10.1985.] for purpose other than personal consumption within the storage limit fixed by the Government from time to time;(v)[xxx] [Deleted by G.S.R. 18 dated 17.11.1990.](w)Cloth and yarn, i.e. any type of cloth or yarn manufactured either wholly from cotton or partly from any other material respectively but cloth does not include. -(i)Ready-made clothing other than Dhoti and Sari;(ii)Hosiery;(iii)Cloth manufactured partly from cotton and partly from wool and containing 40 per cent or more of wool by weight;(iv)Tracing cloth or paper;(v)Leather cloth and inferior or imitation, leather cloth ordinarily used in book binding;(vi)Rubberised or synthetic water fabrics whether single textured or

double textured;(vii)[Handloom, powerloom and synthetic cloths: [Inserted by G.S.R. 47 dated 17.10.1985.](x)"Kerosene" means mineral oil prepared for illuminating purposes distilled from petroleum;(y)"Oil Company" means any of the following oil companies, namely M/s Indian Oil Corporation Ltd., M/s Hindustan Petroleum Corporation Ltd., M/s Bharat Petroleum Corporation Ltd., M/s I.B.R Co. and any such company which may be formed by the Central Government from time to time;][xxx] [Clauses (ya) and (yb) deleted by G.S.R. 12 dated 21.4.1992.](yc)["Liquefied Petroleum Gas" specified in Part 'E' of Schedule 'T' means a petroleum product prepared for cooking purposes as fuel.] [Inserted by G.S.R. 47 dated 17.10.1985.]

Part II – Licensing of Dealers

3. Licensing of Dealers.

(1)No dealer shall after the commencement of this Order, carry on business of [purchase] [Substituted by G.S.R. 47 dated 17.10.1985.], sale or storage for sale of any of the trade articles mentioned in Schedule I except under and in accordance with, the terms and conditions of a licence issued in this behalf by the Licensing Authority under the provisions of this Order:Provided that no licence shall be required for a dealer who stores for sale at any one time the trade articles, in quantities not exceeding the [limits as may be prescribed] [For storage limits see notifications at the end of this Order.] by the State Government with prior concurrence of the Central Government for any trade article from time to time :Provided further that a dealer holding a valid licence of trade articles under the various Licensing Orders mentioned in Schedule III may obtain a licence for the same trade articles under this Order [upto the 15th April, 1985] [Substituted by G.S.R. 8 dated 24.2.1985.] the commencement of this Order. His existing licence shall be deemed to be a licence issued to him as a dealer under this Order up to the said day.(2)For the purpose of this clause, any person, firm, association of persons or a Co-operative society who stores any trade article at any one time in quantities exceeding the limits prescribed in sub-clause (1), shall, unless the contrary is proved by him, be deemed to be carrying on business as a dealer and to store the same for the purpose of sale.

4. Issue of Licence.

(1)(a)Every application for the grant of licence (wholesale or retail) shall be made to the Licensing Authority in Form 'A' along with the fee prescribed in Schedule IV.(b)Every licence issued under this Order shall be in Form 'C' and subject to the terms and conditions mentioned therein;(c)The licence shall be valid up to 31st December next; and(d)If a licence granted under this Order is defaced, lost or destroyed, the licensee shall forthwith inform the Licensing Authority who may, on application and on the payment of fee prescribed in Schedule IV by the licensee, issue a duplicate licence.(2)A dealer may obtain a licence for any one or more trade articles mentioned in Schedule I.(3)A separate licence shall be necessary for each place of business.(4)Wholesale and retail licences of the same trade article shall not be obtained for the same place of business.(5)More than one licence for the same trade article at one place of business in the same or different names shall not be obtained.

5. Renewal of Licence.

- An application for renewal of a licence shall be made along with the fees determined under clause 6 to the Licensing Authority in Form 'B'. The licence may be renewed for one year/three years on the payment of renewal fee prescribed in Schedule IV. In case the licensee fails to furnish the application along with fee within the stipulated time i.e. 31st December, the Licensing Authority may entertain an application up to 31st January, on the payment of late fee as specified below:-(i) for the first fortnight Rs. 2.(ii) for the second fortnight Rs. 5.

6. Fee chargeable.

- The fees for issue of licence, renewal of licence and issue of a duplicate licence shall be chargeable as prescribed in Schedule IV or as determined by the State Government from time to time.

7. Deposit of Security.

- Every dealer [except the dealer of Public Distribution System] [Inserted by G.S.R. 47 dated 17.10.1985.] applying for a licence shall, before such licence is issued to him, deposit with the Licensing Authority the sum specified below in cash by way of security for the due performance of the terms and conditions of the licence issued to him:-(i) for wholesale licence - Rs. 750;(ii) for retail licence - Rs. 300; Provided that if applicant for the grant of a licence as a dealer is a Cooperative Society registered under the Bihar Co-operative Societies Act, the amount of security to be deposited by it shall be equal to one-fourth of the amounts mentioned above:[Provided that the specified cash amount shall be deposited in the treasury under the budget head '088-Social Security and Welfare-Civil Supplies-Amount of Security Deposit'. This amount shall be treated as permanent security money during the entire period of the trading activity of the licensees, it shall be pledged in favour of the licensing authority and the licensing authority may in his discretion refund the money to the dealer on account of the closure of the trade or any other reasons.] [Inserted by G.S.R. 47 dated 17.10.1985.]

8. Power to refuse licence.

(1) The Licensing Authority may, after giving the person affected an opportunity of being heard, and for reasons to be recorded by him in writing, refuse to grant or renew a licence. (2) The licensing Authority shall refuse to grant or renew a licence if-(a) the applicant is a minor or a lunatic or is of unsound mind; or (b) the applicant is an undischarged insolvent; or (c) three years period has not expired from the date of conviction of the applicant under the Essential Commodities Act, 1955 (Central Act 10 of 1955). (3) The Licensing Authority shall also refuse to grant a licence for a particular trade article, if-(a) a licence has already been issued to another dealer at the same place of business for the trade articles for which the applicant has applied for; or (b) the applicant has applied for both wholesale and retail licence for the same trade article.

9. Addition and alteration to Licence.

- The Licensing Authority [after giving due opportunity] [Inserted by G.S.R. 47 dated 17.10.1985.] may make necessary additions, deletions and alterations in the entries made in the licence relating to godown, place of business names of partners, trade articles etc., on the application of the licensee [* * *] [Omitted by G.S.R. 47 dated 17.10.1985.].

10. Contravention of conditions of Licence.

- No holder of licence issued under this Order or his agent or servant or another person acting on his behalf shall contravene any of the terms and conditions of the licence.

11. Suspension and cancellation of Licence.

(1) If any licensee or his agent or servant or any other person acting on his behalf contravenes any of the terms and conditions of the licence, then without prejudice to any other action that may be taken against him under the Essential Commodities Act, 1955 (Central Act 10 of 1955) his licence may be cancelled or suspended with regard to one or more trade articles by an order in writing of the Licensing Authority and an entry will be made in his licence relating to such suspension or cancellation. (2) No order of cancellation shall be made under this clause unless the licensee has been given a reasonable opportunity stating his case against the proposed cancellation but during the pendency or in contemplation of proceedings of cancellation of licence, the licence can be suspended for a period not exceeding 90 days without giving any opportunity to the licensee of stating his case. Such suspension shall be limited only to those trade articles regarding which contravention has been made by the licensee.

12. Disposal of trade articles when licence is suspended or cancelled.

- When a licence issued under this Order is cancelled or suspended, the stocks of trade articles available with the dealer at the time of such cancellation or suspension shall be disposed of by him within [45 days] [Inserted by G.S.R. 47 dated 17.10.1985.] from the date of receipt of the order of cancellation or suspension: [Provided that a dealer due to obvious reasons could not dispose of the stocks of trade articles within the stipulated period, in that case the dealer shall intimate the licensing authority about it and will seek extension of time for disposal of the stock on which the licensing authority shall take necessary action for disposal of the stock after due consideration of the reasons.] [Inserted by G.S.R. 47 dated 17.10.1985.]

13. Consequences of conviction.

- Where a licensee has been convicted by a Court of Law for the contravention of any order made under section 3 of the Essential Commodities Act, 1955 (Central Act 10 of 1955), the Licensing Authority shall, by order in writing, cancel his licence: Provided that where such conviction is set aside in any appeal or revision, the Licensing Authority may, on an application by the dealer whose

licence has been cancelled, restore the licence to such dealer.

14. Forfeiture of Security Deposit.

(1) Without prejudice to the provisions of clause 11, if the Licensing Authority is satisfied that licensee has contravened any of the terms and conditions of the licence and that a forfeiture of the security deposit is called for, it may, after giving the licensee a reasonable opportunity of stating his case, by order, forfeit the whole or any part of the security deposited by him and communicate a copy of the order to the licensee. (2) The licensee shall, if the amount of security at any time falls short of the amount specified in clause 7, forthwith deposit, on being required by the Licensing Authority to do so, further security to make up the deficiency. (3) Upon due compliance by the licensee of all obligations under the licence, the amount of security or such part thereof which is not forfeited as aforesaid, shall be refunded to the licensee after the termination of the licence.

Part III – Restrictions relating to Prices and Stocks etc.

15. [Restrictions relating to prices and stocks, etc. [Substituted by G.S.R. 47 dated 17.10.1985.]

- The retail price of any trade article displayed in compliance of the provisions of the Bihar Essential Articles (Display of Prices and Stocks) Order, 1977 shall not exceed the retail price fixed or recommended by the Central Government or State Government or manufacturer or distributor from time to time for that trade article.]

16. Sale of trade articles according to list of prices and stocks.

(1) No dealer shall sell or offer to sell to any person any trade article at a price higher than that specified in respect of such article in the list of prices and stocks, and (2) Refuse to sell article to any person at the price so specified.

17. Obligation to give receipt.

- No dealer shall sell any trade article to any person without issuing a cash memo, or a bill (stating his own name, quantity, quality, rate and total price charged for the article sold) and without keeping a duplicate copy of such memo or bill: [Provided that it shall not be necessary for a retail dealer to issue any such cash memo or bill or to keep any trade article costing not more than Rs. 25 or the trade articles costing not more than Rs. 50 together unless demanded by the purchaser.] [Substituted by G.S.R. 47 dated 17.10.1985.]

18. Restriction on possession of Trade Articles.

- No person shall, either by himself or by any person on his behalf, store or have in his possession at any time any trade article mentioned in Schedule I and Schedule II in quantity exceeding the limits

fixed-(i)under an order issued by the Central Government, or(ii)by the State Government with prior concurrence of the Central Government by issuing a notification in Official Gazette from time to time.

19. [Requisitioning the stocks of Trade Articles. [Substituted by G.S.R. 47 dated 17.10.1985.]

- During emergency, war, famine, natural calamities, etc., every person holding stocks of trade articles mentioned in Schedule I and Schedule II shall sell to the State Government or to any person or class of persons the whole or specified part of his stock at such prices and in such manner as may be specified by the Collector.]Explanation. - For the purpose of this clause the prices payable to a person who is required to sell the whole or specified part of his stock of trade article shall be determined by the authority concerned in accordance with the provisions of subsection (3-B) of Section 3 of the Essential Commodities Act, 1955.

20. Returns.

- Every dealer referred to in clause 3 shall furnish a return in Form 'D' to such authority, and in such manner or for such period as may be specified from time to time by the State Government by notification in the Official Gazette.

21. Sale on permits.

- The Licensing Authority may, by general or special order in writing, require any dealer holding stock of a trade article to sell article on permits issued by the Licensing Authority or such other officer authorised in this behalf by the State Government.

22. Permit to be non transferable.

- No holder of permit shall transfer the permit or the trade article received on such permit to any other person without prior permission of the officer by whom the permit has been issued.

23. Revocation of permit.

- The officer issuing the permit may, after giving the permit holder an opportunity of being heard, at any time revoke the permit issued under clause 21 for any of the following reasons:-(a)that the permit has been obtained by the permit holder by misrepresentation of material particulars: or(b)that the provisions of this Order have been contravened by the permit holder; or(c)that issue of permit was, in the opinion of the officer issuing the permit, and for reasons to be recorded in writing by him, not otherwise justified.

Part IV – Miscellaneous

24. Power to call for information.

- Every dealer shall, when so required by general or special direction of Licensing Authority, furnish truthfully and to the best of his knowledge such particulars or information relating to any trade article, as may be required.

25. Power to issue directions to dealers.

- The State Government or the Collector or the Licensing Authority may issue directions to any dealer with regard to purchase, sale, disposal, storage or exhibition of the price and stock list of all or any of the trade articles.

26. Power to amend Schedules.

- The State Government may, by an order notified in the Official Gazette, add to or omit from the Schedules, any trade article and thereupon the Schedules shall be deemed to have been amended accordingly.

27. Inherent powers of Commissioner and Collector.

- In addition to the power specified in this Order-(a)[for Oil Companies, [* * *] [Substituted by G.S.R.47, dated 17.10.1985.] and L.P. Gas dealers, the Collector shall be the licensing authority within limits of his jurisdiction.(b)Collector shall be the licensing authority in respect of the wholesale trade of any article specified in Schedule I including the agents of Oil Companies within limits of his jurisdiction.(c)Sub-divisional Officer and Special Officer, Incharge, Rationing shall be the licensing authority in respect of retail trade or any article specified in Schedule I within limits of their jurisdictions.]

28. Appeal.

(1)Any person aggrieved by an order made by any officer under this Order may-(a)if the order is made by any officer lower in rank than the Collector appeal to the Collector; and(b)if the order is made by the Collector, appeal to the Commissioner.(2)No such appeal shall be entertained if not preferred within 30 days from the date of receipt of the order appealed against by the appellant.(3)No order which adversely affects any person shall be passed under this clause unless such person has been given a reasonable opportunity of being heard.(4)Pending disposal of the appeal, the appellate authority may direct that the order against which the appeal is made shall not take effect until the appeal is disposed of.

29. Revision.

- The Commissioner, suo-moto or on an application, may call for the record of any case decided by the Collector or the Licensing Authority under the provisions of this Order and if he is satisfied that the Collector or the Licensing Authority-(a)has exercised a jurisdiction not vested in him or it; or(b)has exercised the jurisdiction vested in him or it with material irregularity; or(c)has improperly failed to exercise the jurisdiction vested in him or it; he may pass such order as he thinks fit.

30. Powers of entry, search and seizure, etc.

(1)The Licensing Authority, [Secretary, Additional Secretary, Joint Secretary, Deputy Secretary of the Food, Supply and Commerce Department and the Divisional Commissioner,] [Substituted by G.S.R.47, dated 17.10.1985.] Collector, Additional Collector, Additional District Magistrate (Supply), District Supply Officer, Assistant District Supply Officer, Deputy Inspector General of Police, Food-cum-Additional Secretary, Food, Supply and Commerce Department, Superintendent of Police (Food), [Deputy Superintendent of Police (Food), C.I.D. Bihar and Inspector of Police (Food), C.I.D. Bihar,] [Inserted by G.S.R. 31 dated 28.7.1992.] Secretary to Food Commissioner, Food, Supply and Commerce Department, Magistrate Incharge, Flying Squad, Food, Supply and Commerce Department and Executive Magistrate, Block Development Officer, P.V.P., [Assistant Rationing Officer and Regional Officer notified by the Food, Supply and Commerce Department,] [Substituted by G.S.R.47, dated 17.10.1985.] Circle Officer, Project Executive Officer, Assistant Project Executive Officer, Special Officer, Incharge, Rationing, Patna, Jamshedpur, Dhanbad and Ranchi, Deputy Rationing Officer, [Block Supply Officer] [Inserted by G.S.R. 30 dated 27.12.1988.], Marketing Officer, Assistant Marketing Officer, Supply Inspector and any Police Officer not below the rank of Sub-Inspector or any other person empowered by the Government [but in respect of Roller Flour Mills, Rice Mills, Pulses Mills and Oil Mills] [Inserted by G.S.R. 31 dated 28.7.1992.] not below the rank of Executive Magistrate [* * *] [Omitted by G.S.R. 30 dated 27.12.1988.].(a)require, the owner, occupier or any other person incharge of any place, premises, vehicle or vessel in which he has reason to believe that any contravention of provisions of this Order has been or is being or is about to be made to produce any books of accounts or documents showing transaction relating to such contravention;(b)enter, inspect or break open and search any place or premises, vehicle or vessel 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;(c)seize any books of accounts and documents placed before him which in his opinion may be useful or relevant to in connection with the contravention made and shall be entitled to make copies thereof or to take extracts therefrom;(d)search, seize and remove stocks of trade articles alongwith the packages, coverings or receptacles in which such stock is found, if he has reasons to believe that any provision of this Order has been or is being or is about to be contravened in respect of such stock or any part thereof and may also search, seize and remove the animals, vessels or other conveyance used in carrying the said trade articles, in contravention of the provisions of this Order and thereafter take or authorise the taking of all measures necessary for securing the production of stocks of trade article and the animals, vehicles, vessels or other conveyances so seized, before the Court and for their safe custody pending such production ;(e)for the purpose of such inspection etc. ask any person all necessary question.(2)The provisions of section 100 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) relating to search and

seizure shall, so far as may be, apply to searches and seizures under this clause.

31. [Exemptions. [Substituted by G.S.R. 47 dated 17.10.1985.]

(1)The State Government may, by general or special order by notifications in the Official Gazette, and subject to such conditions or restriction, as may be specified in such order, exempt any person or class of persons or firm or association of persons or any cooperative society from the operation of all or any provisions of this Order and may at any time suspend or rescind such exemption:-Provided that no notification under this clause shall be issued except with the previous approval of the Central Government.(2)Nothing in this Order shall apply to the purchase, sale or storage for sale of any trade article by or on behalf of-(a)The Central Government.(b)The State Government.(c)The officers, departments, institutions or other organisations of the State Government or such agencies as may be approved by the State Government.(d)Any Central or State level Co-operative Society.]

32. Repeal and Savings.

(1)From the date of commencement of this Order, the licensing orders mentioned in Schedule III shall stand repealed [xxx] [Omitted by G.S.R 47 dated 17.10.1985.] and the provisions of this Order shall have effect notwithstanding anything to the contrary contained in the licences repealed by this sub-clause.(2)[The repeal of the licensing order referred to in sub-clause (1) and the amendment order in respect of coal shall not affect-(a)the previous operation of the said Order on anything duly done or suffered thereunder; or(b)any right, privilege, obligation or liability acquired or incurred under the said Orders; or(c)any penalty, forfeiture or punishment incurred in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; or(d)any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and(e)any such investigation, legal proceeding or remedy may be instituted, continued or enforced, any such penalty, forfeiture or punishment may be imposed as if the said Orders have not been rescinded.]

I

Part 'A' [Foodgrains] 1. Wheat [and wheat Product (excluding husk and bran)] [Added by G.S.R. 11 dated 11.9.1997.].

2. Barley.

3. Bajra.

4. Jowar.

- 5. Maize.**
- 6. Rice.**
- 7. Paddy.**
- 8. Minor Millets (e.g. Regl, Kodo.)**
- 9. Milo.**
- 10. Sorghum.**
- 11. Mixture of foodgrains (Gujji, Bejhar etc.)**

Part 'B' (Pulses) 1. Urad.

- 2. Moong.**
- 3. Arhar.**
- 4. Masoor.**
- 5. Moth.**
- 6. Lobia.**
- 7. Rajmaha.**
- 8. Gram.**
- 9. Peas.**
- 10. Any other dal.**

Part 'C' (Oilseeds) 1. Mustard.

- 2. Til.**

3. Groundnut.

4. Taramira.

5. Alsi.

6. Raida.

7. Imported Oilseeds.

Part 'D' (Edible Oils) 1. Mustard Oil.

2. Til Oil.

3. Groundnut Oil.

4. Taramira Oil.

5. Alsi Oil.

6. Raida Oil.

7. Hydrogenated Vegetable Oil.

8. Imported Edible Oil.

Part 'E' (Other Articles) 1. Sugar.

2. Kerosene Oil.

3. [x x x] [Deleted by G.S.R 12 dated 21.4.1992.]

4. [x x x] ['Cement' deleted by G.S.R. 18 dated 17.11 1990.]

5. Cotton cloth and yarn.

6. [Liquefied Petroleum Gas.] [Inserted by G.S.R. 47 dated 17.10 1985.]

II

- 1. Tea (all kinds).**
- 2. Tyre and Tubes (Cycle, Rickshaw, Car, Bus, Jeep, Truck, Tractor and Trolley, cart pulled by animal and other vehicles).**
- 3. Soaps (washing and bathing).**
- 4. Detergent Powders.**
- 5. Match box.**
- 6. Cells of torches and transistors.**
- 7. Chillies (Dry).**
- 8. Exercise Books.**
- 9. Fertiliser.**
- 10. Bread.**
- 11. [Soda ash. [Existing Sl. 11 (Desi Ghee) omitted and Entries 12 and 13 made 11 and 12 by G.S.R. 47, dated 17.10.1985.]**
- 12. Paper (all varieties).]**

III

[List of Licensing and Control Orders Repealed] [Substituted by G.S.R. 47 dated 17.10.1985.]

- 1. The Bihar Foodgrains Dealers Licensing Order, 1967.**
- 2. [xxx] [Omitted by G.S.R. 47 dated 17.10.1985.]**
- 3. The Bihar Kerosene Oil Dealers Licensing Order, 1965.**

4. The Bihar Coal Control Order, 1956 [(clause 2(b), 6(c), 9, 10, 11, 12 and 13 of this Order have not been repealed.) [Substituted by G.S.R. 47 dated 17.10.1985.]

5. The Bihar Vanaspati Dealers Licensing Order, 1967.

6. [The Bihar Edible Oils Dealers Licensing Order, 1966.] [Substituted by G.S.R. 47 dated 17.10.1985.]

7. The Bihar Cotton Cloth and Yarn (Control) Order, 1956.

8. The Bihar Cement Control Order, 1972 [xxx] [Omitted by G.S.R. 47 dated 17.10.1985.] (only licensing provisions included in this Order).

Form 'A'[See clause 4(1)(a)]Application for grant of Wholesale/Retail LicenceToThe Licensing Authority.SirI hereby apply for the grant of a licence under the Bihar Trade Articles (Licences Unification) Order, 1984.The required particulars are given hereunder.

1. Applicant's particulars

Name.....S/o.....age.....

2. Residential address of applicant-

(a)House no.....(b)Mohalla.....(c)Village/Town.....(d)Police Station.....

3. Name/Style in which licence is required.....

4. Situation of applicant's place of business.

(a)House/Shop no (b) area.....(c) Boundary..... (d) Mohalla/Market (e) Village/Town.....(f) Police Station.....

5. Name of partner, if any of the firm-

(1) [Shri. S/o. Age
(2) Shri. S/o. Age
(3) Shri. S/o. Age
(4) Shri. S/o. Age]

[Substituted by G.S.R. 47 dated 17.10.1985.]

6. Particulars of trade articles in which the applicant wants to carry on business-

As a wholesaler As a retailer

(1) (1)

(2) (2)

(3) (3)

(4) (4)

7. Did the applicant previously hold a licence of the trade articles for which licence has now been applied for ?

If so, give details-(i)Name of trade article(ii)Licence no.(iii)Amount of security deposited with challan no. and date

8. Does the applicant want to get the security mentioned at item 7 above adjusted towards the security of the licence now applied for, if so, give its challan no., date and amount?

9. How long has the applicant been trading in the trade articles for which the licence has been applied for?

10. Particulars regarding stocks of trade articles in possession on the date of application.

11. Complete address (with House no., Mohalla etc.) of godown or place where trade articles for which licence has been applied will be stored.

(1)(2)(3)(4)

12. Has the applicant ever been convicted by a Court of Law for contravention of any Order issued under Essential Commodities Act, 1955 during last 3 years?

13. Particulars of suspension or cancellation of the licence held by a Court?

14. Whether the applicant was declared or adjudged as an insolvent by a Court?

I declare that the particulars mentioned at item nos. 1 to 14 above are true to the best of

my knowledge and belief and nothing has been concealed therein. I have carefully read the provisions of the Bihar Trade Articles (Licences Unification) Order, 1984 and I agree to abide by them. Signature of proprietor/partner Place.....Date.....Form 'B' (See clause 5) Application for renewal of licence no.....To, The Licensing Authority I hereby apply for renewal of my licence no.....issued to me under the Bihar Trade Articles (Licences Unification) Order, 1984. The required particulars are given below:-(1) Date on which the licence expires.....(2) Name in which the licence stands.....(3) For how many years the renewal is desired?.....(4) Details of the action, if any, taken against the licensee during the last three years for contravention of an Order issued under the Essential Commodities Act, 1955.....I.....hereby declare that the particulars mentioned above are correct to the best of my knowledge and belief, and nothing has been concealed therein. Signature of applicant Place.....Date.....Form 'C' [See clause 4 (1)(b)] Bihar Trade Articles (Licences Unification) Order, 1984 Licence (i) Licence no.....Wholesale/Retail, (ii) Security deposited Rs vide Challan no. and date (iii) Name of dealer along with partners, if any (1).....(2).....(3).....Terms and Conditions

1. Subject to the provisions of the Bihar Trade Articles (Licences Unification) Order 1984 and terms and conditions of the licence, Mr./M/s.....is/are hereby authorised to purchase, to sell or store for sale the undermentioned trade articles.

As a wholesaler As a retailer.

(1) (1)
(2) (2)
(3) (3)
(4) (4)

2. (a) The licensee shall carry on the business of aforesaid trade articles at the following place.

(b) Trade article in which the aforesaid business is to be carried on shall not be stored at any place other than the godown mentioned below:-(1)(2)(3)(4)(5) Note. - If the licensee intends to store the trade articles in place other than those specified above he shall give intimation in writing to the Licensing Authority within a period of seventy two hours of actually storing of these trade articles therein. He shall also produce the licence before the Licensing Authority within a fortnight of his giving intimation mentioned above, for the purpose of making requisite changes.

3. (a) The licensee shall maintain a stock register of daily account in [Form 'E'] [Substituted by G.S.R. 47 dated 17.10.1985.] for the trade articles mentioned in paragraph 1 showing correctly-

(i) the opening stock on each day; (ii) the quantities received on each day showing the place where

and the source from which received;(iii)the quantities delivered or otherwise removed on each day showing the place of destination; and(iv)the closing stock on each day.Explanation. - The licensee may maintain more than one stock register for the various trade articles and may allot separate page (s) for each trade articles [xxx] [Omitted by G.S.R. 47 dated 17.10.1985.](b)The licensee shall enter all the transactions held on telephone or through Bilty or relating to purchase/sale of trade articles in the stock register. In case the purchased trade articles are not received physically by the licensee on the date of entering into any transaction, a note shall be recorded in this behalf in the stock register.(c)The quantities of the various trade articles shall be entered in the stock register as under:
-

- (i) Foodgrains, sugar, oilseeds and pulses ... In quintals.
- (ii) Edible oil ... In tins/kgs.
- (iii) Kerosene oil ... In litres.
- (iv) Coal ... In quintals or kgs.

(d)The licensee shall complete the entries in the stock register for each day latest by the beginning of the transactions of the following day unless prevented by reasonable cause the burden of proving which shall lie upon him.(e)A licensee, who himself is a producer of foodgrains, oilseeds or whole pulses, shall separately show the stock of his own produce in the stock register, if such stocks are stored in his business premises.

4. The licensee shall not contravene the provisions of the Order or any other law relating to essential commodities for time being in force.

5. The licensee shall not-

(i)enter into any transaction involving purchase, sale or storage for sale of trade articles in speculative manner prejudicial to the maintenance and on availability of their supplies in the market;(ii)sell or offer to sell any trade article at a price higher than that specified in respect of such article in the list of prices and stocks;(iii)refuses to sell to any person any trade articles for sale at the higher price specified in the list of prices and stocks; and(iv)keep in his possession stocks of trade articles exceeding the limits fixed under clause 18.

6. The licensee shall display conspicuously in Form 'F' legibly written in Hindi, a list of price and stocks of the trade articles he deals with, in accordance with the provisions of clause 15.

7. The licensee shall, issue to every customer of such trade article a cash memo, or invoice, as the case may be, giving his own name and licence no., name, address and licence number (if any) of the customer, the date of transaction, the quantity sold and the price charged. He shall keep a duplicate of same to be available for inspection on demand by the Licensing

Authority or any other officer authorised in this behalf:

[Provided that it shall not be necessary for retail dealer to issue any of such cash memo or bill or to keep any such duplicate copy in respect of sale of any trade article costing not more than Rs. 25 or the trade articles costing not more than Rs. 50 together unless demanded by the purchaser.]

[Substituted by G.S.R. 47 dated 17.10.1985.]

8. The licensee shall furnish correctly such information relating to the business as may be demanded from him and shall carry out such instructions as may, from time to time, be given by the Licensing Authority.

9. The licensee shall give all facilities at all reasonable times to the inspecting authority for the inspection of his stocks and accounts at any shop, godowns or other places used by him for the storage, sale or purchase and for taking of samples of the trade articles mentioned in paragraph 1 for examination.

10. The licensee shall comply with any direction that maybe given to him by the State Government or the Collector or the Licensing Authority with regard to the purchase, sale and storage for sale of these trade articles and in regard to the language in which the registers, returns, receipts or invoice shall be written and in regard to the authentication and maintenance of the register mentioned in paragraph 3 above.

11. .The licensee shall, in case when he functions in regulated market, abide by such instructions relating to his business as are given by the marketing authority having jurisdiction, and in any other case by such body as may be recognised by the State Government in this behalf.

12. Every licensee shall take adequate measures to ensure that the trade articles stored by him are maintained in proper condition and that damages to these articles due to ground moisture, rains, insects, rodents, birds, fire and such other cause are avoided. The licensee shall also ensure that fertilizer, insecticides and poisonous chemicals likely to contaminate articles are not stored alongwith these articles in the same godowns or in immediate juxtaposition to the stocks of the trade articles.

13. The licensee shall supply or sell trade articles to consumer or dealer in the same quantity or weight and a price marked on the container/package, but if any shortage limit is allowed by any Order of the Central Government, State Government, the same will be deducted from the marked quantity or weight.

14. This licence shall be attached to an application for renewal.

15. The licence shall be valid up to 31st March, 19.

(Licensing Authority)Place.....Date.....Form 'D'(See Clause 20)Return for the period.....[Licence no.....] [Not to be given in case of person having no Licence.]

Sl. No.	Name of trade	Stock at the beginning of fortnight/month.	Stock purchased or otherwise received duringfortnight/month.	Total	Stock sold or otherwise removed during thefortnight/month.	Stock at the end of the fortnight/month.	Remarks
1	2	3	4	5	6	7	8

SignaturePlaceDateTo,The Licensing Authority.N.B. - (i) Weight is to be entered in quintal/litre/tonne.(ii)Goods pledged with Bank, Co-operative Society, etc. are also to be included in the above figures and a note be given in remarks column.(iii)Fraction need not be mentioned. Figures may be rounded off to the nearest quintal/litre/tonne.(iv)Small packs of Hydrogenated Vegetable Oil, Edible Oil or Gur etc., may be converted into quintals etc. and then included in this return.Form 'E'[See Condition 3 of the Licence]Stock RegisterName of Trade Article.....

Date	Opening balance	Receipts	Sources of receipts	Total (Col. 2 + 3)	Deliveries/sales.	Place of destination.	Closing balance	Remarks
1	2	3	4	5	6	7	8	9

[Schedule IV] [Substituted by G.S.R. 17 dated 10.7.1985.][See Clause 4(1)(a) and (b) and Clause 6]Present Fees

Sl. no.	Name of trade articles	Licence Fee.	Renewal Fee.	Duplicate Fee.
1	2	3	4	5
1.	Foodgrains-	Rs.	Rs.	Rs.
	(a) Wholesale	20.00	10.00	10.00
	(b) Retail	5.00	2.00	2.00
2.	Sugar-			

	(a) Wholesale	5.00	2.00	10.00
	(b) Retail	5.00	2.00	10.00
3.	Vanaspati-			
	(a) Depot holder	500.00	375.00	125.00
	(b) Wholesale	500.00	375.00	125.00
	(c) Retail	50.00	37.50	15.00
4.	Kerosene Oil-			
	(a) Oil Companies	100.00	50.00	50.00
	(b) Wholesale	20.00	10.00	10.00
	(c) Retail	5.00	2.00	2.00
5.	[xxxx] [Deleted by G.S.R. 12 dated 21.4.1992.]			
6.	Edible Oil Wholesale	100.00	25.00	25.00
7.	Cement-	500.00	375.00	125.00
8.	Cloth			
	(a) Wholesale	500.00	375.00	125.00
	(b) Retail	50.00	37.50	15.00

Storage Limits of Trade Articles G.S.R. 49, dated 17th October, 1985. - In exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (Central Act 10 of 1955) read with the orders of the Government of India in the Ministry of Agriculture and Irrigation (Department of Food) published under G.S.R. 452 (F), dated the 25th October, 1972, 168 (E) dated the 13th March, 1973 and 800, dated the 8th June, 1978 and in the Ministry of Industry and Civil Supplies (Department of Civil Supplies and Co-operation) published under S.O. 681 (E) and 682 (E), dated the 30th November 1974 and with the prior concurrence of the Central Government the Governor of Bihar is pleased to fix the following stock limits of the Trade Articles under clause 3 of Bihar Trade Articles (Licences Unification) Order, 1984, published in Food, Supply and Commerce Department's G.S.R. no. 9 dated the 19th April, 1984.

1. [(a) The wholesale dealer in foodgrains in 'B' class cities means a person (including pulses miller) who at a time holds stock of any one or all types of foodgrains taken together for purchase, sale or storage for purposes other than personal consumption, in a quantity exceeding 100 (one hundred) quintals but not exceeding 2,500 (two thousand and five hundred) quintals, provided that the storage limits defined for specific Articles in this order shall not be crossed without prior approval in writing from Government in the Food, Supply and Commerce Department:

Provided further that the quantity of rice and wheat shall not exceed 1,000 (one thousand) quintals and the quantity of pulses of all kinds taken together whole or split shall not exceed 750 (seven hundred and fifty) quintals and other grains 2,000 (two thousand) quintals. But the storage limit at a time in respect of Roller Flour Mills and big Chakkies will be ten thousand quintals or the

allotment given by the Government. This includes its products such as Maida, Suji, Atta and Chokar. In respect of Rice Millers the storage limit of rice at a time shall not exceed 1,000 (one thousand) quintals: Provided further than in "B" class cities, a wholeseller can maintain at any one time a maximum stock limit of 1,000 (one thousand) quintals of rice and wheat or 2,000 (two thousand) quintals of other foodgrains subject to a maximum total stock of 2,500 (two thousand five hundred) quintals as described above. (b) The wholesale dealer in foodgrains in "C" class cities, means a person (including pulse miller) who at a time hold stock of any one or all types of foodgrains taken together for purchase, sale or storage for purposes other than personal consumption in quantity exceeding 100 (one hundred) quintals but not exceeding 2,000 (two thousand) quintals : Provided further that the quantity of rice and wheat shall not exceed 1,000 (one thousand) quintals in urban areas and 500 (five hundred) quintals in rural areas and the quantity of pulses of all kinds taken together, whole or split, shall not exceed 500 (five hundred) quintals and the quantity of other grains one or all kinds taken together shall not exceed 1,500 (one thousand five hundred) quintals. But the storage limit at a time in respect of Roller Flour Mills and big Chakkies will be five thousand quintals or the allotment given by the Government. This will include its products such as Maida, Suji, Atta and Chokar. In respect of Rice Mills, the storage limit at a time shall not exceed 1,000 (one thousand) quintals in urban areas and 500 (five hundred) quintals in rural areas.] [Substituted by G.S.R. 42 dated 21.11.1987.]

2. [The retail dealer of foodgrains means a person who at a time holds stock of any quantity of foodgrains of one or all types taken together for purchase, sale or storage for purposes other than personal consumption exceeding 30 (thirty) quintals but not exceeding 100 (one hundred) quintals.)

3.

(a) The wholesale edible oilseeds dealer in 'B' class cities means a person who at a time holds stocks of any one or all types of edible oilseeds taken together including groundnuts for purchase, sale or storage for purchases other than personal consumption in a quantity exceeding 75 (seventy five) quintals, but not exceeding 2,000 (two thousand) quintals. (b) The wholesale dealer of edible oilseeds in 'C' class cities, towns and rural areas means a person who at a time holds stock for any one or all types of edible oilseeds taken together including groundnuts for purchase, sale or storage for purposes other than personal consumption in a quantity exceeding 50 (fifty) quintals but not exceeding 1,000 (one thousand) quintals.

4. (a) The retail dealer of edible oilseeds in 'B' class cities means a person who at a time holds stock of any one or all types of edible oilseeds taken together including groundnuts for purchase, sale or storage for purposes other than personal consumption in a quantity 30 excluding (thirty) quintals but not exceeding 150 (one hundred and fifty) quintals.

(b)The retail dealer of edible oilseeds in 'C' class cities, towns and rural areas means a person who at a time holds stocks of any one or all type of edible oil seeds taken together including groundnuts for purchase, sale or storage for purposes other than personal consumption in a quantity exceeding 30 (thirty) quintals but not exceeding 100 (one hundred) quintals.

5. (a) The wholesale dealer of edible oils in 'B' class cities means a person who at anytime holds stocks of any one or all edible oils taken together including hydrogenated oils for purchase, sale or storage for purposes other than personal consumption in a quantity exceeding 15 (fifteen) quintals, but not exceeding 500 (five hundred) quintals.

(b)The wholesale dealer of edible oils in 'C' class cities, town and rural areas means a person who at any time holds stock of any one or all edible oils taken together including hydrogenated vegetable oil for purchase, sale or storage for purposes other than personal consumption in a quantity exceeding 10 (ten) quintals but not exceeding 300 (three hundred) quintals.

6.

(a)The retail dealer of edible oils in 'B' class cities, means a person who at any time holds stock of any one or all edible oils taken together including hydrogenated vegetable oils for purchase, sale or storage for purposes other than personal consumption in a quantity exceeding 2 (Two) quintals but not exceeding 15 (fifteen) quintals.(b)The retail dealer of edible oils in 'C' class cities, towns and rural areas means a person who at any time holds stock of any or all edible oils taken together including hydrogenated vegetable oil for purchase, sale or storage for purposes other than personal consumption in a quantity exceeding 1.50 (one quintal and fifty kilograms) quintals but not exceeding 10 (ten) quintals.

7. (a) The wholesale dealer in sugar in cities and towns with a population of one lakh or more, means a person who at any time holds stock of sugar for purchase, sale or storage for purposes other than personal consumption in a quantity exceeding 50 (fifty) quintals but not exceeding 250 (two hundred and fifty) quintals.

(b)The wholesale dealer in Sugar in towns with a population of less than one lakh means a person who at any time holds stock of sugar for purchase, sale or storage for purposes other than personal consumption in a quantity, exceeding 50 (fifty) quintals but not exceeding 100 (one hundred) quintals.

8. The retail dealer in sugar means a person who at any time holds stock of sugar for purchase, sale or storage for purposes other than personal consumption in a quantity exceeding 5 (five) quintals but not exceeding 50

(fifty) quintals.

9. The dealer in Khandsari (open Pan Sugar) means a person who at any time holds stock of Khandsari (open Pan Sugar) for purchase, sale or storage for purposes other than personal consumption in a quantity not exceeding 250 (two hundred and fifty) quintals :

Provided that bulk consumers in Sugar and Khandsari (Open Pan Sugar) shall not at any time hold stock of Sugar and Khandsari (open Pan Sugar) not exceeding 5 (five) quintals for personal consumption.

10. The wholesale dealer in Kerosene means a person or agent who has been appointed a Kerosene dealer by one of the oil companies or who holds a letter of intent for such appointment from one of the oil companies and who at any time holds stock of Kerosene for purchase, sale or storage for purposes other than personal consumption exceeding 1 kilo litre but not exceeding 50 (fifty) kilo litres subject to the dealer having a valid storage licence.

11. (a) Domestic consumer of Kerosene means a person who at any time holds stock of kerosene for domestic purposes not exceeding 20 (twenty) litres.

(b) Non-domestic consumer means a person who has been notified by the State Government as non-domestic consumer under clause 4(i) of the Kerosene (Restriction on Use) Order, 1966 and having a storage licence may at any time store Kerosene not exceeding 15 (fifteen) kilo litres.

12. The retail Kerosene dealer means a person (including Thela vendors) engaged in the business of purchase, sale or storage for purposes other than the personal consumption of Kerosene in a quantity exceeding 20 (twenty) litres but not exceeding 1,000 (one thousand) litres.

13. The coal dealer means a person who at any time holds stock of coal for purchase, sale or storage for purposes other than personal consumption in a quantity exceeding 10 (ten) quintals.

14. The term 'B' class cities shall, for the purposes of this order exclude the provisions relating to pulses, edible oilseeds and edible oils include the cities of Hazaribagh, Gaya, Bhagalpur, Saharsa, Dumka, Darbhanga,

Muzaffarpur, Chapra, Monghyr, Purnea, Samastipur, Begusarai, Arrah, Sasaram, Motihari, Bettiah, Katihar and Siwan [and Patna, Ranchi, Dhanbad and Jamshedpur or cities having population of 3 lakhs and more but less than 10 lakhs as determined in 1981 census] [Substituted by G.S.R. 8 dated 24.2.1988.].

Text of Clauses 1 & 2 of G.S.R. 49 dated 17.10.1985 as Originally issued

1.

(a)The wholesale dealer in foodgrains in 'B' class cities means a person (including pulse miller) who at a time holds stock of any one or all types of foodgrains taken together for purchase, sale or storage for purpose other than personal consumption, in a quantity exceeding 100 (one hundred) quintals but not exceeding 2,500 (two thousand and five hundred) quintals, provided that the storage limits defined for specific articles in this order shall not be crossed without prior approval in writing from Government in the Food, Supply and Commerce Department:Provided that the quantity of rice shall not exceed 1,000 (one thousand) quintals and the quantity of pulses of all kinds taken together, whole or split, shall not exceed 750 (seven hundred and fifty) quintals and other grains 2,000 (two thousand) quintals. But the storage limit at a time in respect of Roller Flour Mills and big Chakkies will be to the extent of allocation of wheat made by Government for the month including its products such as maida, suji, atta and chokar and in respect to Rice Millers the storage limit of rice at a time shall not exceed 1,000 (one thousand) quintals:Provided further that in 'B' class cities, a wholesaler can maintain at any one time a maximum stock limit of 1,000 (one thousand) quintals of rice or 2,000 (two thousand) quintals of other foodgrains, subject to a maximum total stock of 2,500 (two thousand and five hundred) quintals as described above.The stock limits on wheat has been removed by the Central Government with effect from 1st April, 1985. Hence, the stock limits on wheat has been removed and will also not be considered when taken together with other grains.(b)The wholesale dealer in foodgrains in 'C' class cities, means a person (including Pulses Miller) who at a time holds stock of any one or all types of foodgrains taken together for purchase, sale or storage for purposes other than personal consumption in a quantity exceeding 100 (one hundred) quintals but not exceeding 2,000 (two thousand) quintals:Provided further that the quantity of rice shall not exceed 1,000 (one thousand) quintals in urban areas and 500 (five hundred) quintals in rural areas and the quantity of pulses of all kinds taken together, whole or split, shall not exceed 500 (five hundred) quintals and the quantity of other grains one or all kinds taken together shall not exceed 1,500 (one thousand and five hundred) quintals. But the storage limit at a time in respect of Roller Flour Mills and big Chakkies will be to the extent of allocation of wheat made by Government for the month including its products such as maida, suji, atta and chokar and in respect of Rice Mills the storage limit of rice at a time shall not exceed 1,000 (one thousand) quintals in urban areas and 500 (five hundred) quintals in rural areas.The stock limits on wheat has been removed by the Central Government with effect from 1st April, 1985. Hence, the stock limits in wheat has been removed and will also not be considered when taken together with other grains.

2. The retail dealer of foodgrains means a person who at a time holds stock of any quantity of foodgrains of one or all types taken together for purchase, sale or storage for purposes other than personal consumption, exceeding 30 (thirty) quintals but not exceeding 100 (one hundred) quintals.

The stock limits on wheat has been removed by the Central Government with effect from 1st April, 1985. Hence, the stock limit in wheat has been removed and will also not be considered when taken together with other grains. G.S.R. 57 the 10th November, 1986. - In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (Act 10 of 1955), in view of the instructions and prior concurrence conveyed by Government of India in the Ministry of Food and Civil Supplies (Department of Food) vide their letter no. 5 (Genl.) (4)/85-D & R-i, dated 27th March, 1985 and 5 (Bihar) (7)/85-D & R-I, dated 14th July, 1986 the Governor of Bihar is pleased to make the following amendment in sub-clauses (a) and (b) of clauses (1) and (2) of the Storage Limit of Trade Articles under clause (3) of Bihar Trade Articles (Licences Unification) Order, 1984 fixed under the Food, Supply and Commerce Department, Bihar, Patna notification no. GSR 49, dated the 17th October 1985 as published in the extraordinary issue of Bihar Gazette, dated the 17th October, 1985 namely:-Amendment Storage Limits of Trade Articles

1. The following sub-clause shall be substituted in place of clause 1 of the above notification:-

"1. (a) The Wholesale Dealer in foodgrains in 'B' class cities means a person (including pulses miller) who at a time holds stock of any one or all type of foodgrains taken together for purchase, sale or storage for purpose other than personal consumption in a quantity exceeding 100 (one hundred) quintals but not exceeding 2,500 (two thousand and five hundred) quintals, provided that the storage limits defined for specific articles in this order shall not be crossed without prior approval in writing from Government in the Food, Supply and Commerce Department: Provided further that the quantity of pulses of all kinds taken together whole or split shall not exceed 750 (seven hundred and fifty) quintals and other grains 2000 (two thousand) quintals. But the storage limit at a time in respect of Roller Flour Mills and big Chakkies will be to the extent of allocation of wheat made by Government for the month including its products such as maida, suji, atta and chokar. Provided further that in 'B' class cities a wholesaler can maintain at any one time a maximum stock limit of 2,000 (two thousand) quintals of other foodgrains subject to a maximum total stock of 2,500 (two thousand and five hundred) quintals as described above. The restriction on stock limit on wheat and rice is hereby removed and the stock of wheat and rice will not be taken into consideration along with the stock of other grains. (b) The wholesale dealer in foodgrains in 'C' class cities means a person including (pulse miller) who at a time holds stock of any one or all types of foodgrains taken together for purchase, sale or storage for purposes other than personal consumption in a quantity exceeding 100 (one hundred) quintals but not exceeding 2,000 (two thousand) quintals: Provided further that the quantity of pulses of all kinds taken together, whole or split, shall not exceed 500 (five hundred) quintals and the quantity of other grains one or all kinds taken together shall not exceed 1,500 (one thousand and five hundred) quintals. But the storage limit at a time in respect of Roller Flour Mills and big Chakkies will be to the extent of allocation of wheat made by Government

for the month including its products such as maida, suji, atta and chokar. The restriction on stock limit on wheat and rice is hereby removed. The stock of wheat and rice will not be taken into consideration along with the stock of other grains.

2. The retail dealer of foodgrains means a person who at time holds stock of any quantity of foodgrains of one or all types taken together for purchase and sale other than personal consumption exceeding 30 (thirty) quintals but not exceeding 100 (one hundred) quintals.

The restriction on stock limit on wheat and rice is hereby removed. The stock of wheat and rice will not be taken into consideration along with other grains. G.S.R. 42 the 21st November, 1987. - In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (Act 10 of 1955), in view of the instructions and prior concurrence conveyed by Government of India in the Ministry of Food and Civil Supplies (Department of Food) vide their telegram no. 5(N.3) (16)/87-D and R-I, dated the 17th September, 1987 the Governor of Bihar is pleased to make the following amendment in sub-clauses (a) and (b) of clauses (1) and (2) of the Storage Limit of Trade Articles under clause (3) of Bihar Trade Articles (Licences Unification) Order, 1984 fixed under the Food, Supply and Commerce Department, Bihar, Patna notification no. G.S.R. 49, dated the 17th October, 1985 and G.S.R. no. 57, dated the 10th November, 1986 as published in the extraordinary issue of Bihar Gazette, dated the 10th November, 1986 namely:-Amendment

**1. For clause 1 of the above order the following shall be substituted, namely.
- Storage limits of Trade Articles**

"1.(a) The wholesale dealer in foodgrains in 'B' class cities means a person (including pulses miller) who at a time holds stock of any one or all types of foodgrains taken together for purchase, sale or storage for purposes other than personal consumption, in a quantity exceeding 100 (one hundred) quintals but not exceeding 2,500 (two thousand and five hundred) quintals, provided that the storage limits defined for specific articles in this order shall not be crossed without prior approval in writing from Government in the Food, Supply and Commerce Department:-Provided further that the quantity of rice and wheat shall not exceed 1,000 (one thousand) quintals and the quantity of pulses of all kinds taken together, whole or split, shall not exceed 750 (seven hundred and fifty) quintals and other grains 2,000 (two thousand) quintals. But the storage limit at a time in respect of Roller Flour Mills and big Chakkies will be 10,000 (ten thousand) quintals or the allotment given by the Government. This include its products such as maida, suji, atta and chokar. In respect of Rice Millers the storage limit of rice at a time shall not exceed 1,000 (one thousand) quintals:Provided further that in 'B' class cities, a wholesaler can maintain at any one time a maximum stock limit of 1,000 (one thousand) quintals of rice and wheat or 2,000 (two thousand) quintals of other foodgrains, subject to a maximum total stock of 2,500 (two thousand and five hundred) quintals as described above.(b)The wholesale dealer in foodgrains in 'C' class cities, means a person including (Pulse Miller) who at a time holds stock of any one or all types of foodgrains taken together for purchase, sale or storage for purposes other than personal consumption in quantity exceeding. 100 (one hundred) quintals but not exceeding 2,000 (two thousand) quintals :Provided further that the

quantity of rice and wheat shall not exceed 1,000 (one thousand) quintals in urban areas and 500 (five hundred) quintals in rural areas and the quantity of pulses of all kinds taken together, whole or split, shall not exceed 500 (five hundred) quintals and the quantity of other grains one or all kinds taken together shall not exceed 1,500 (one thousand and five hundred) quintals. But the storage limit at a time in respect of Roller Flour Mills and big Chakkies will be 5,000 (five thousand) quintals or the allotment given by the Government. This will include its products such as maida, suji, atta and chokar. In respect of Rice Mills the storage limit at a time shall not exceed, 1,000 (one thousand) quintals in urban areas and 500 (five hundred) quintals in rural areas.

2. For clause 2 of the above Order the following shall be substituted, namely:-

"2. The retail dealer of foodgrains means a person who at a time holds stock of any quantity of foodgrains of one or all types taken together for purchase, sale or storage for purposes other than personal consumption exceeding 30 (thirty) quintals but not exceeding 100 (one hundred) quintals. G.S.R. 8 the 24th February, 1988. - In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (Central Act 10 of 1955) read with the orders of the Government of India in the Ministry of Agriculture and Irrigation (Department of Food) published under G.S.R. 452 (E), dated the 25th October, 1972, 168 (E), dated the 13th March, 1973 and 800, dated the 9th June, 1978 and in the Ministry of Industry and Civil Supplies (Department of Civil Supplies and Cooperation) published under S.O. 681 (E), and 682 (E), dated the 30th November, 1974 and with the prior concurrence of the Central Government, the Governor of Bihar is pleased to make the following amendment in storage limit of trade articles published under Food, Supply and Commerce Department, Bihar's G.S.R. 49, dated the 17th October, 1985. Amendment In the said Order

1. In clause 14 after the word 'Siwan' the words "and Patna, Ranchi, Dhanbad and Jamshedpur or Cities having population of 3 lakhs and more but less than 10 lakhs as determined in 1981 Census" shall be added.

G.S.R. 16, the 7th June. 1989. - In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955) read with Orders of the Government of India in the Ministry of Agriculture and Irrigation (Department of Food) published under G.S.R. 452 (E), dated the 25th October, 1972, 168(E), dated the 13th March 1973 and 800, dated the 9th June, 1978 and in the Ministry of Industry and Civil Supplies (Department of Civil Supplies and Co-operation) published under S.O. 681 (E), dated the 30th November, 1974, in view of the instruction and prior concurrence of the Central Government communicated vide Ministry of Food and Civil Supplies (Department of Food), D.O. no. 5(GENL) (2)1 89, D. and R.I/SF/41/89, dated the 9th March, 1989 the Governor of Bihar is pleased to make the following amendment in clause (1) of the storage limit of trade articles under clause (3) of Bihar Trade Articles (Licences Unification) Order, 1984 published in extra ordinary issue of Bihar Gazette vide notification no. G.S.R. 42, dated the 21st November, 1987 of Food, Supply and Commerce Department, Bihar, Patna. Amendment(i) In clause I-(i) sub-clause (a) for words "But the storage limit at a time in respect of Roller Flour Mills and big Chakkies will be ten thousand quintals or the allotment given by the Government. This include its products such as

Maida, Suji, Atta and Chokar the words "The storage limit for the Roller Flour Mills for wheat including wheat products, at a time, shall not be beyond their one month's grinding capacity. It includes, Maida, Suji, Atta and Chokar" shall be substituted.(ii)In sub-clause (b) for the words "But the storage limit at a time in respect of Roller-Flour Mills and big Chakkies will be five thousand quintals or the allotment given by the Government. This will include its products such as maida, suji, atta and chokar the words "The storage for the Roller Flour Mills for wheat including wheat products at a time, shall not be beyond their one month's grinding capacity. It includes maida, suji, atta and chokar" shall be substituted.G.S.R. 13 dated the 23rd August, 1990. - In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (Act 10 of 1955) read with the orders of the Government of India in the Ministry of Agriculture and Irrigation (Department of Food), published under G.S.R-452(E), dated the 25th October, 1972, 168(E), dated the 13th March, 1973 and 800, dated the 8th June, 1978 and in the Ministry of Industry and Civil Supplies (Department of Civil Supplies and Cooperation), published under S.O. 681 (E) and 682 (E), dated the 30th November, 1974 and with the prior concurrence of the Central Government, the Governor of Bihar is pleased to make the following amendments under clause 3 of Bihar Trade Articles (Licences Unification)-Order, 1974, published under Food, Supply and Commerce Department, Government of Bihar, Notification no. G.S.R 9, dated the 19th April, 1984 in Schedule 1 of Serial 18 of G.S.R no. 47, dated 17th October 1985 and in sub-clauses, (a) and (b) of Clause 1 and Clause 2 of G.S.R no. 49. dated the 17th October, 1985 fixing storage limit of Trade Articles, namely:-Amendment

1. The following will be substituted in place of clause 1 of the said order:-
"Storage Limit for Trade Articles. - (1)(a) The wholesale dealer in foodgrains in 'B' class cities means a person (including pulses miller) who at a time holds stock of any one or all types of foodgrains taken together for purchase sale or storage for purposes other than personal consumption in a quantity exceeding 100 (one hundred) quintals but not exceeding 2,500 (Two thousand and five hundred) quintals, provided that the storage limits defined for specific articles in this order shall not be crossed without prior approval in writing from Government in the Food, Supply and Commerce Department:

Provided further that the quantity of rice and wheat shall not exceed 1,000 (one thousand) quintals and the quantity of pulses of ail kinds taken together whole or split shall not exceed 750 (seven hundred and fifty) quintals and other grains 2,000 (two thousand) quintals. In respect of Rice-Millers the storage limit of rice at a time shall not exceed 1,000 (one thousand) quintals :Provided further that in 'B' class cities a wholesaler can maintain at any one time a maximum stock of limit of 1,000 (one thousand) quintals of rice and wheat or 2,000 (two thousand) quintals of other foodgrains subject to a maximum total stock of 2,500 (two thousand and five hundred) quintals as described above.(b)The wholesale dealer in foodgrains in 'C' class cities, means a person (including pulse miller) who at a time holds stock of any one or all types of foodgrains taken together for purchase, sale or storage for purposes other than personal consumption in a quantity exceeding 100 (one hundred) quintals but not exceeding 2,000 (two thousand) quintals:Provided

further that the quantity of rice and wheat shall not exceed 1,000 (one thousand) quintals in urban areas and 500 (five hundred) quintals in rural areas and the quantity of pulses of all kinds taken together, whole or split shall not exceed 500 (five hundred) quintals and the quantity of other grains one or all kinds taken together shall not exceed 1500 (one thousand and five hundred) quintals. In respect of rice mills, the storage limit at a time shall not exceed 1,000 (one thousand) quintals in urban areas and 500 (five hundred) quintals in rural areas."

2. For clause 2 of the above Order the following shall be substituted namely:-

"2. The retail dealer of foodgrains means a person who at a time holds stock of any quantity of foodgrains of one or all types taken together for purchase, sale or storage for purposes other than personal consumption exceeding 30 (thirty) quintals but not exceeding 100 (one hundred) quintals. G.S.R. 148 the 13th March 1991. - In exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (Act 10 of 1955) in view of the instructions and prior concurrence conveyed by the Government of India in the Ministry of Food and Civil Supplies (Department of Food), New Delhi vide their Telex No. 5(Raj)/(2)/91 -D.R.I, dated 9th February, 1991, the Governor of Bihar is pleased to make the following amendments in notification no. GSR. 13, dated the 23rd August, 1990, published in the Bihar Gazette fixing only to the extent of the storage limit of wheat and rice. Amendment

1. The maximum storage limit of wheat at a time at any place shall not exceed 250 (two hundred and fifty) quintals for wholesale dealer in foodgrain, Similarly, the maximum storage limit of rice for wholesale foodgrain dealers at a time at any place shall not exceed 250 (two hundred and fifty) quintals.

2. For retail dealer of foodgrain the maximum storage limit of wheat at a time at any, place shall not exceed 50 (fifty) quintals similarly, the strong limit of rice at a lime at any place shall not exceed 50 (fifty) quintals for retail dealer of foodgrains.

3. This amendment will be enforced with immediate effect and will remain effective till 31st March, 1991.

G.S.R. 3, dated 25th March, 2000. - In excise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (Central Act 10 of 1955) read with the Orders of the Government of India in the Ministry of Agriculture and Irrigation (Department of Good) published under G.S.R. 452(E), dated the 25th October 1972, 168(E), dated the 13th March, 1973 and 800, dated the 8th June 1978 and in the Ministry of industry and Civil Supplies (Department of Civil Supplies and Co-operation) published under S.O. 681 (E) and 682(E), dated the 30th November, 1974 and with the prior concurrence of the Central Government vide its letter No. 12 April, 1996 Exp. 65/98, dated 24th July, 1998, the Governor of Bihar is pleased to inform the public that the State Government has decided not to remove storage limit on Edible Oil fixed by the Government for whole sale and retail

traders of Edible Oil and G.S.R. NO. 49, dated 17th October, 1985 of Food, Supply and Commerce Department is in force in the State as usual as in the past. Guidelines for enforcement officers/agencies empowered to investigate compliance of the provisions of the Essential Commodities Act, 1955 or orders framed thereunder Government of India, Department of Food & Civil Supplies, 26 (12) 86 E.C.R. Department. for Civil Supplies Dated 9.2.1988.

1. The Supreme Court, while interpreting Section 7(1) of the Essential Commodities Act, which contains the expression "if any person contravenes any order made under Section 3" held that mens rea which is an essential ingredient of an offence was required to be proved. The Supreme Court took a view that before an accused can be held to be guilty for having contravened any provisions of the Act or Order, it must be established that he had the necessary mens rea and if on the other hand, it is found that the contravention was unintentional and unknowingly made, he cannot be held guilty for the contravention. The Court has held that if the contravention of Section 3 or any order framed thereunder was unintentional and the person concerned had taken all reasonable care and was carrying on business in a bonafide manner then in the eyes of law, there has been no contravention so as to visit the person with consequences thereof. The principle herein laid down would equally apply to confiscation of essential commodities covered by section 6-A.

2. Although each case has to be examined on its merits keeping the above in mind, certain type of mistakes/lapses/omissions are indicated below, (which are only illustrative and by no means exhaustive in nature) for which it may not ordinarily be necessary to launch prosecutions:

(A) For Fair Price Shops: (i) Minor variation in respect of single commodity up to 1.5% taking into consideration transactions of one month. (ii) Mistake in mathematical totalling. (iii) If the shop is not opened during the prescribed hours of business or closed at the time fixed for closing due to unavoidable circumstances. (iv) If the stock register does not show the place from which the stock was brought or was sent but the information is available from any other register or document. (v) If the stock register could not be maintained for any particular day due to sickness, pressure of work or unavoidable circumstances on the part of the Fair Price Shopkeeper. (vi) If non-availability of a commodity is not specifically indicated in the stock register when such a commodity is not available in the stock. (vii) If the licence given to the owner for running the fair price shop is not kept duly perceivable. (viii) In the course of the normal transaction if the licensee forgets to mention either the licence number or the date on the bill or memo. (B) For Private Licensees: (i) Mistake in mathematical totalling. (ii) If stock register does not show the place from which the stock was brought or sent but the information is available from any other register or document. (iii) If the stock register could not

be maintained for any particular day due to sickness, pressure of work or unavoidable circumstances.(iv)When the variation between the book and the ground stock is insignificant.(v)In the course of the normal transaction, if the licensee forgets to mention either the licence number or date on the bill or memo.

3. In respect of omissions/lapses indicated in para 2 and such other minor and technical omissions/lapses, suitable administrative action may be considered at the discretion of the competent authority.

However, when these lapses/omissions are found repetitive and there are reasons to believe that they are deliberate, appropriate action including launching of prosecution, may be considered at the discretion of the competent authority.

4. It is suggested that if the authorities come to know during the course of investigations that trivial irregularities committed are in fact unintentional i.e., they have occurred on account of a lapse on the part of person carrying on the business and not because of any intention to commit any offence under the Essential Commodities Act, or Orders framed thereunder, they may arrive at a conclusion in the matter keeping in view the observations of the Supreme Court referred to in para 1 above.

Notifications[G.S.R. 18 dated the 17th November, 1990. - The Government of India vide their Order no. S.O. 624(E), dated the 7th August, 1990 amending the Order no. 681 (E) dated the 30th November, 1974 of the Ministry of Industry and Civil Supplies (Department of Civil Supplies and Co-ordination) have rescinded the powers delegated under clause (d) of sub-clause (2) of section 3 of the Essential Commodities Act, 1955 relating to the regulation of retail cement distribution by licences or permits. Consequent upon the rescission of the delegation of powers to State Government under sub-section (2) under clause (d) of sub-clause (2) of section 3 of the Essential Commodities Act, 1955, relating to the regulation of retail cement distribution by licences or permits, the Governor of Bihar, is pleased to make the following amendments in the Bihar Trade Articles (Licences Unification) Order, 1984 published under the Food, Supply and Commerce Department Notification no. G.S.R. 9 dated the 19th April, 1984, namely-AmendmentsIn the said Licensing Order:

1. Clause 2(v)(a)(b) and serial no. (4) of Part (e) of Schedule I shall be deleted. Consequent upon deletion of above clause the retail cement dealers will not be required to obtain licence for cement trade with effect from 7th August, 1990 as provided under clause 3 of the Bihar Trade Articles (Licences Unification) Order, 1984 (vide G.S.R. no. 9, dated the 19th April, 1990):

Provided that the above amendments shall not affect-(a)the previous operation of the said Order or any thing duly done or suffered thereunder;(b)any right, privilege, obligation or liability acquired, accrued or incurred under the said Order; or(c)any penalty or punishment incurred in respect of any offence committed against the said Order, or(d)any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty or punishment as aforesaid and any such investigation, legal proceedings or remedy may be instituted, continued or enforced, and any such penalty or punishment may be imposed as if the said Licensing Order had not been amended.][Added by G.S.R. 11 dated 11.9.1997.]