

Bihar Bricks Supplies And Price Control Act, 1984

13 of 1984

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PREAMBLE

An Act to control the supply and price of bricks in Bihar*

Be it enacted by the Legislature of the State of Bihar in the Thirty-fifth Year of the Republic of India as follows:

1. Received the assent on 28.5.1984, and published in Bihar Gazette Extraordinary No. 325, dated 9.6.1984.

*. In view of applicability of this Act to Jharkhand [u/s 84, Bihar Reorganisation Act, 2000] this may be read as "Jharkhand".

1. Short title, extent and commencement :-

(1) This Act may be called the Bihar Bricks Supplies and Price Control Act, 1984.

(2) It extends to the whole of the State of Bihar*.

(3) It shall come into force immediately.

2. Definitions :-

In this Act, unless there is anything repugnant in the subject or context:

(a) bricks means common burnt clay building bricks in a kiln and having geometrical shape;

(b) kiln means structure used for firing bricks for commercial use;

(c) dealer means any person who deals in bricks or holds stocks of bricks for sale and includes his representative or agent;

(d) manufacturers means a person engaged in the manufacture of bricks in kiln.

3. Power of State Government to control, supply, distribution and price of bricks :-

The State Government, in so far as it appears to it to be necessary or expedient for controlling the supply of bricks or for securing their equitable distribution and availability at reasonable prices may by order published in the Official Gazette, provide for in respect of bricks for trade and traders of bricks the following provisions:

(a) regulating by licences, permits or otherwise the manufacture and distribution, of bricks;

(b) controlling the prices at which bricks may be bought or sold;

(c) collecting any information or statistics with a view to regulating

the aforesaid matters;

(d) requiring manufacturers, dealers or kiln-owners to maintain and produce for inspection such accounts and records regarding bricks and furnishing such information relating thereto, as may be specified in the order;

(e) controlling the size and type of bricks to be manufactured to ensure economy in consumption of essential materials;

(f) entering and inspecting the premises by the authorised officers who would not be below the rank of Deputy Collectors and who have sufficient reasons to believe that contravention of any order made under this Act has been committed or is being committed;

(g) any incidental and supplementary matters connected with the provisions in clauses (a), (b), (c), (d), (e) and (f).

4. Delegation of powers :-

The State Government may, by notification, publish in the Official Gazette, direct that the power to make orders under Section 3 shall, in relation to such matter and subject to such conditions, if any, as may be specified in the order, be exercisable by officer or authority as may be specified in the order.

5. Provisions of Section 3 to prevail over other laws :-

The provisions of Section 3 shall have effect, notwithstanding anything to the contrary contained in any other law for the time being in force.

6. Penalty for contravention of the provisions of Section 3 :-

If any person contravened or abets the contravention of any order made under Section 3, he shall be punishable with imprisonment for a term which may extend to six months or with fine upto Rs. 1,000 or with both.

Explanation.--The expression person in this section includes any company or firm or body corporate and every Director, Secretary or other officer or agent thereof.

7. False statement :-

(1) When any person required by any order passed under Section 3 to make any statement or furnish any information makes such statement or gives such information which is false in any material particular and which he knows or has reason to believe to be false, or does not believe to be true, or

(2) When any such person makes any such statement as aforesaid in any book of account, record, declaration or return or any other document which he is required by such order to maintain or furnish, he shall be punishable with imprisonment for a term which may extend to six months or with fine upto Rs. 1,000 or with both.

8. Power to try offences summarily :-

Any Magistrate duly empowered in this behalf shall try the offences summarily in accordance with the procedure of summary trials laid down in Chapter XXI of the Code of Criminal Procedure, 1973.

9. Protection of action taken under the Act :-

No suit, prosecution or other legal proceeding shall lie against the State Government or any officer or authority for any act done in good faith or intended to be so done in pursuance of an order made under this Act.

10. Power to make rules :-

(1) The State Government may, by notification in the Official Gazette, make rules consistent with the provisions of this Act for carrying out the purposes of the Act.

(2) Every rule made under this section shall immediately after as it is made be laid in each House of the State Legislature while is in session, for a total period of fourteen days which may be comprised

in one session or in the succession immediately following, both houses agree that the rule should not be made, the rule shall thereafter have effect only in such modification or annulment shall be without prejudice to the validity or any thing previously done under that rule.

11. Repeal and savings :-

(1) The Bihar Bricks Supplies (Control) Fourth Ordinance, 1983 (Bihar Ordinance No. 6, 1984) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in exercise of the powers conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of powers conferred by or under this Act as if this Act were in force on the day on which such thing or action was done or taken.