

Bihar Mica Act, 1947

10 of 1948

CONTENTS

1. Short Title And Extent
2. Definitions
3. Exemptions
- 4 . Prohibition Of Possession Of, And Trading In, Mica Without Licence, Proprietors Certificate Or Diggers Permit
5. Grant Of Proprietors Certificate
6. Grant Of Licence
- 7 . Exercise Of Powers Of Licensees Or Registered Proprietor By Agents
- 7A. Erection Of Name And Number Boards
8. Section 8
9. Section 9
10. Accounts To Be Kept By Licensees And Registered Proprietors
11. Production Of Accounts By Licensees And Registered Proprietors
12. Licensee, Registered Proprietor And Digger To Notify Places Used For Storing Mica
13. Inspection Of Mine Worked By Digger
14. Removal Of Mica
15. Section 15
16. Section 16
17. Penalties
18. Penalty For Certain Offences Committed By Diggers
19. Penalty For Unauthorised Removal Of Mica
20. Section 20
21. Section 21
- 21A. Penalty For Offences For Which Specific Penalty Is Provided
22. Power Of Police Officer To Arrest Without Warrant
23. Seizure And Detention Of Mica Removed Without Pass
24. Power Of Search And Seizure
25. Cancellation Of Licences And Proprietors Certificates
26. Delegation Of Powers And Duties Of The Controller
- 26A. Power Of Revision By The State Government
27. Power To Make Rules
28. Repeal And Saving

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An Act to regulate the possession and transport of, and trading in mica in the Province of Bihar. Whereas it is expedient to regulate the possession and transport of, and trading in, mica in the Province of Bihar; It is hereby enacted as follows:- 1 - (a) Governor-Generals assent published in the Bihar Gazette, Extraordinary, of the 4th March, 1948. (b) For Statement of Objects and Reasons, see the Bihar Gazette, 1947, Pt. V. No. 468.

1. Short Title And Extent :-

- (1) This Act may be called the Bihar Mica Act, 1947.
- (2) It shall extend to such areas in the 1[State] of Bihar (hereinafter referred to as controlled areas) as the 2[State] Government may, by notification]3 direct,
 1. Substituted by A. L.O.
 2. For notifications enforcing the Act to the different areas, vide B. O. R. O., Vol. I, Pt. VIII.
 3. The words "and shall remain in force for a period of one year" Repealed. by Bihar Act 1 of 1949.

2. Definitions :-

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

- (a) "block mica" means any mica, other than chillas, splittings and waste mica, obtained from crude mica by any process of trimming;
- (b) "chillas" means thin laminations or cleanings of mica not more than .008 inch thick obtained from crude or block mica;
- (c) "controller" means the officer appointed by the 1[State] Government to be the Mica Controller for the purposes of this Act, and until such time as an officer is so appointed, the Controller of the district;
- (d) "crude mica" means mica in its rough state before it has been trimmed or subjected to any process;
- (e) "dealers licence" means a licence granted under Section 6 authorising the person to whom it is granted to buy mica, and to have in his possession and sell mica-
- (i) extracted in a controlled area from a mica mine of which he is not in possession or from a mica dump; or
- (ii) imported into a controlled area from any place not situated in a controlled area;
- (f) 2[* * * *]
- (g) 2[* * * *]

- (h) "home splitter" means a person who is employed by a splitting contractor or a licensee or a registered proprietor to split block mica or chillas;
- (i) "licensee" means a person to whom a miners licence or a dealers licence has been granted;
- (j) "manufactured mica" means mica in any form other than the form of crude mica, block mica, chillas or splittings;
- (k) "mica dump" means any collection of refuse consisting wholly or largely of mica;
- (l) "mica mine" means any excavation where any operation for the purpose of searching for or obtaining mica has been or is being carried on;
- (m) "miners licence" means a licence granted under Section 6 authorising the person to whom it is granted to have in his possession and sell mica extracted from a mica mine of which he is in possession and which is situated in land of which he is not the proprietor or from a mica dump of which he is in possession;
- (n) "prescribed" means prescribed by Rules made under this Act;
- (o) "proprietor" has the same meaning as in Clause (8) of Section 3 of the Land Registration Act, 1817, as for the time being in force in the 3[State] of Bihar;
- (p) "proprietors certificate" means a certificate granted under Section 5 authorising the person to whom it is granted to have in his possession and sell mica extracted from a mica mine of which he is in possession and which is situated in land of which he is the proprietor or from a mica dump of which he is in possession;
- (q) "registered proprietor" means a person to whom a proprietors certificate has been granted;
- (r) "Splittings" means thin laminations of mica not more than .00125 inch thick; and
- (s) "splittings contractor" means a person who receives block mica or chillas from a licensee or a registered proprietor for preparing splittings therefrom through home splitters.

1. Substituted by para. A. L.O.

2. Clauses (f) and (g) Repealed by Bihar Act 28 of 1953.

3. Substituted by A. L.O.

3. Exemptions :-

Nothing in this Act shall apply to the possession of any splittings, chillas or block mica, if the largest rectangular area of sound mica which can be obtained therefrom is less than 1[square] inches.

1. Inserted by Bihar Act I of 1949.

4. Prohibition Of Possession Of, And Trading In, Mica Without Licence, Proprietors Certificate Or Diggers Permit :-

(1) Save as provided in sub-section (2) and sub-section (3) of this Section, no person shall-

(a) have in his possession or sell mica extracted from a mica mine of which he is in possession and which is situated in land of which he is the proprietor except under and in accordance with miners licence 1[* *];

(b) have in his possession or sell mica extracted from a mica mine of which he is in possession and which is situated in land, of which he is the proprietor except under and in accordance with a proprietors certificate;

(c) have in his possession or sell mica extracted from a mica dump of which he is in possession, except under and in accordance with a miners licence, a dealers licence or a proprietors certificate;

(d) buy mica, or have in his possession or sell mica extracted in a controlled area from a mica dump of which he is not in possession or mica imported into a controlled area from any place not situated in a controlled area, except under and in accordance with a dealers licence;

(e) being a licensee, 2[or registered proprietor], sell mica to any person resident or carrying on business in a controlled area, unless such person possesses a valid dealers licence;

(f) being a person to whom a dealers licence has been granted, buy mica from a person resident or carrying on business in a controlled area, unless such person is licensee, 2[or registered proprietor];

(2) Nothing in sub-section (1) shall apply to-

(a) the possession, sale or purchase of manufactured mica;

(b) the sale of mica by a licensee or registered proprietor to, or the purchase of mica from a licensee or registered proprietor by, any person not resident or carrying on business in a controlled area; and

(c) the possession, sale or purchase of mica under circumstances and subject to such conditions as may, from time to time, by notification, be specified by the 3[State] Government.

(3) Any licensee or registered proprietor whose licence or proprietors certificate ceases to be in force under 4[sub-section (4)] of Section 6, 5[or sub-section (3) of Section 5], or as the case may

be, is cancelled under sub-section (1) of Section 25, shall be entitled, up to a date not later than six months after the date on which his licence or proprietors certificate ceases to be in force or is cancelled, as the case may be, to sell or otherwise dispose of any mica which was in his possession on the date on which his licence or proprietors certificate ceased to be in force or was cancelled.

6[(4) If any licence or proprietors certificate ceases to be in force by reason of the death of the licensee or the registered proprietor, as the case may be, it shall be the duty of his legal representative, and if he has more than one legal representative, all legal representatives, to furnish to the Controller within six months of the death of the licensee or the registered proprietor, a true and correct account of any mica left in the possession of such licensee or registered proprietor on the date of his death.

(5) The Controller may, after such inquiry as he thinks fit, by order, permit such legal representative or representatives to sell or otherwise dispose of any mica, in respect of which particulars have been furnished under sub-section (4), within such period, not exceeding six months from the date of the order, and subject to such conditions, if any, as may be specified in the order.

(6) If any legal representative or representatives of any such deceased licensee or registered proprietor fails or fail to furnish a true and correct account of any mica, as required by sub-section (4) or to sell or otherwise dispose of any such mica within the period specified in an order under sub-section (5) or within such further time as may have been allowed by the Controller in this behalf, the Controller may order that such mica shall be forfeited to the State Government.

(7) If any licensee or proprietors certificate ceases to be in force by reason of the death of the licensee or registered proprietor, the Controller may, on application and after making such inquiry as he thinks fit, grant a temporary licence or proprietors certificate, as the case may be, to his heir or heirs for a period not exceeding six months.

(8) Any person aggrieved by an order passed by the Controller under subsection (5) or sub-section (6) may, within thirty days from the date of order, appeal to the Commissioner of the Division whose decision shall be final.]

1. The words "or a diggers permit" Repealed by Bihar Act 28 of 1953.

2. Substituted by the Bihar Mica (Amendment) Act, 1953 (Bihar Act 28 of 1953) for "registered proprietor or digger".

3. Substituted by A.L.O.
4. Substituted by the Bihar Mica (Second Amendment) Act, 1949 (Bihar Act 20 of 1950) for "sub-section (3)".
5. Inserted by Bihar Act 20 of 1950.
6. Inserted by the Bihar Mica (Amendment) Act, 1953 (Bihar Act 28 of 1953).

5. Grant Of Proprietors Certificate :-

1[(1) The Controller shall, on the application of any person who is a proprietor 2[and on payment by such person of a fee of two hundred and fifty rupees], grant to such person a proprietors certificate. 3[Such certificate shall remain in force up to the 31st day of December following the date on which it is granted:

Provided that the certificate may be renewed every year on payment of the annual fee in accordance with the provision of sub-section (2)].

2[(2) There shall be paid to the Controller in respect of every certificate granted under sub-section (1) an annual fee of one hundred and fifty rupees. Such annual fee shall be paid on the 1st day of January next following the date on which the certificate is granted and on the 1st day of January in each succeeding year.

(3) If the fee payable under sub-section (2) in respect of any certificate is not paid within one month of the date on which it is required by that sub-section to be paid, such certificate shall cease to be in force.

(4) If at any time a certificate granted under sub-section (1) is lost by the proprietor or is destroyed, the proprietor shall forthwith report the fact in writing to the Controller and shall explain the circumstances in which the certificate has been lost or destroyed. Upon the receipt of such intimation, the Controller shall make such inquiries as he may think fit, and if he is satisfied that the certificate has been lost or destroyed, he may issue a duplicate certificate on payment of a fee of five rupees by the proprietor. Such a certificate shall be stamped with the word "Duplicate].

1. Section 5 re-numbered as sub-section (1) of Section 5 by Bihar Act 20 of 1950.

2. Inserted by Bihar Act 20 of 1950.

3. Inserted by Bihar Act 28 of 1953.

6. Grant Of Licence :-

(1) 2[The Controller shall, on the application of any person and on

payment by such person of a fee of two hundred and fifty rupees, grant to such person a miners licence or a dealers licence. Such licence shall remain in force up to the 31st day of December, following the date on which it is granted:

Provided that the Controller may refuse to grant such a licence to a person who-

(i) is convicted of an offence under Chapter XVII of the Indian Penal Code committed in respect of mica; or

(ii) is not in lawful possession of any mica mine:

Provided further that the Controller shall not grant a miners licence to a person who does not hold a certificate of approval from the State Government under the Mines and Minerals (Regulation and Development) Act, 1948, and the Rules made thereunder:

Provided also that the licence may be renewed every year on payment of the annual fee in accordance with the provision of sub-section (3).]

1[(2)] Any person who has been refused a licence by the Controller under the proviso to sub-section (1) may, within thirty days of the order of the Controller, appeal to the Commissioner of the Division whose order³ [subject to any order of the State Government under Section 25-A] shall be final.]

4[(3)] There shall be paid to the Controller in respect of every licence granted under sub-section (1) an annual fee of one hundred and fifty rupees. Such annual fee shall be paid on the 1st day of January next following the date on which the licence is granted and on the 1st day of January in each succeeding year.

4[(4)] If the fee payable under 5[sub-section (3)] in respect of any licence is not paid within one month of the date of which it is required by that sub-section to be paid, such licence shall cease to be in force.

4[(5)] If at any time a licence granted under sub-section (1) is lost by the licensee or is destroyed, the licensee shall forthwith report the fact in writing to the Controller and shall explain the circumstances in which the licence has been lost or destroyed. Upon the receipt of such intimation, the Controller shall make such inquiries as he may think fit, and if he is satisfied that the licence has been lost or destroyed, he may issue a duplicate licence on payment of a fee of five rupees by the licensee. Such a licence shall be stamped with the word "Duplicate".

3[(6)] When granting a miners licence under sub-section (1), or renewing such licence under sub-section (3) the Controller shall endorse on the licence the particulars of the mines in lawful

possession of the licensee and may, at any time, make any change in such particulars.]

3[Explanation.--A person shall be deemed to be not in lawful possession of a mica mine, if he does not hold a valid lease under the Mines and Minerals (Regulation and Development) Act 1948, and the Rules made thereunder.]

1. Inserted by Bihar Act 20 of 1950.

2. Substituted by *ibid.* Section 6(1).

3. Inserted by Bihar Act 28 of 1953.

4. Sub-sections (2), (3) and (4) re-numbered as sub-sections (3), (4) and (5) by Bihar Act 20 of 1950.

5. Substituted by Bihar Act 20 of 1950 for the words and figure "sub-section (2)".

7. Exercise Of Powers Of Licensees Or Registered Proprietor By Agents :-

1[(1)] The Controller shall, on the application of licensee or registered proprietor, endorse on his licence or proprietors certificate, as the case may be, the names of persons who shall be entitled to exercise on behalf of such licensee or registered proprietor any of the powers conferred on him under this Act or his licence or proprietors certificate, and no person whose name is not so endorsed shall be entitled to exercise any of the said powers on behalf of any licence or registered proprietor;

2 [Provided that the Controller may refuse to endorse on such licence or proprietors certificate the name of any person who is convicted of an offence under Chapter XVII of the Indian Penal Code committed in respect of mica or, where necessary, remove the name of such person from such licence or proprietors certificate.]

2[(2) Any person aggrieved by an order of the Controller under the proviso to sub-section (1) may, within thirty days of the order of the Controller, appeal to the Commissioner of the Division whose order, subject to any order of the State Government under Section 26-A, shall be final.]

1. Inserted by Bihar Act 28 of 1953.

2. Section 7 re-numbered as sub-section (1) of Section 7 by *ibid.*

7A. Erection Of Name And Number Boards :-

1[At every place where mica is extracted from a mica mine and at every place where mica is stored or prepared for sale, a board shall be erected at a conspicuous part thereof showing in bold letters and figures, at least six inches high, the name of the holder of the

proprietors certificate the miners licence or the dealers licence, as the case may be together with the number of such certificate or licence, under which the business or operation is carried on.]

1. Inserted by Bihar Act 28 of 1953.

8. Section 8 :-

(Registration of certain instruments authorising extracting of Mica and grant of diggers permit-[Repealed by Section 8 of the Bihar Mica (Amdt.) Act, 1953 (Bihar Act 29 of 1953).

9. Section 9 :-

10. Accounts To Be Kept By Licensees And Registered Proprietors :-

(1) Every licensee and every registered proprietor shall submit such returns and in such form and manner as may be prescribed and shall keep accounts showing-

(a) in respect of crude mica, the following particulars, namely:-

(i) the quantity received, the date of receipt and the supply;

(ii) the quantity issued to cutters or disposed of and the date of such issue or disposal, and the name of the person, if any, to whom it is disposed of;

(iii) the quantity of block mica received from cutters, and the date of receipt;

(iv) the quantity of chillas received from cutters, and the date of receipt; and

(v) the quantity of the balance remaining in stock at intervals not exceeding seven days.

(b) In respect of mica other than crude or manufactured mica, the following particulars, namely:-

(i) all additions to the stock, specifying the quantity and the size or, in the case of mica which has not been sorted into sizes, the description and the quantity, of the mica received and, in the case of purchase, the name of the person from whom it is purchased;

(ii) all issues from the stock, specifying-

(a) the quantity and the size or, in the case of mica which has not been sorted into sizes, the description and the quantity issued;

(b) the purpose for which it is issued; and

(c) in the case of sales or export, the name of the purchaser or of the agent to whom it is exported, as the case may be; and

(iii) the quantity and the size or, in the case of mica which has not been sorted into sizes, the description and the quantity, of the balance remaining in stock at intervals not exceeding seven days.

(2) If the 1[State] Government is satisfied that the particulars specified in subsection (1) are insufficient, it may, by notification, direct that accounts required to be kept under sub-section (1) shall show such additional particulars as may be specified in such notification, and thereupon every licensee and registered proprietor shall keep accounts showing such additional particulars in addition to the particulars specified in sub-section (1).

1. Substituted by A. L O.

11. Production Of Accounts By Licensees And Registered Proprietors :-

Every licensee and every registered proprietor shall, when so required by any officer authorised in this behalf by the 1[State] Government-

(a) produce his accounts and disclose or produce the full amount of his stock or mica for the inspection of such officer;

(b) give such officer every facility for inspecting any mica mine or mica dump of which he is in possession.

1. Substituted by A. L O.

12. Licensee, Registered Proprietor And Digger To Notify Places Used For Storing Mica :-

1[(1) Every licensee 2[or registered proprietor] shall notify to the prescribed authority and in the prescribed manner all places used by him whether for strong mica or for preparing the same for sale, and shall give to such authority every facility for inspecting such place.

3[(2) Every licensee or registered proprietor shall appoint in writing in respect of every place notified under sub-section (1) for storing mica or preparing the same for sale, where he cannot personally be present all the time, an agent who shall in all respects be responsible for such place and shall comply with all directions of the prescribed authority in respect of such place, as if such agent himself was the licensee or the registered proprietor.

(3) The name of every agent appointed under sub-section (2) and the place in respect of which he has been appointed such agent, together with such particulars relating to the hours of business on working days and the day or days in a week on which the place

shall remain closed as may be required by the prescribed authority, may be furnished to such prescribed authority and such agent shall give to the prescribed authority at least twenty-four hours notice if and when it is proposed to close the place at any time other than the day or days fixed.]

1. Section 12 renumbered as sub-section (1) of Section 12 by Bihar Act 28 of 1953.

2. Substituted by Bihar Act 28 of 1953 for the words "registered proprietor or digger".

3. Inserted by ibid.

13. Inspection Of Mine Worked By Digger :-

[Rep. by Section 10 of the Bihar Mica (Amdt.) Act, 1953 (Bihar Act 38 of 1953)].

14. Removal Of Mica :-

(1) No person shall 1[carry mica from one place to another] unless he carries a pass in the prescribed form specifying the date and time of its issue signed by 1[licensee or registered proprietor] or his duly authorised agent, showing-

(a) the place from which the mica has been removed;

(b) the quantity and the size or, in the case of mica which has not been sorted into sizes, the description and the quantity of such mica; and

(c) the destination of such mica;

Provided that any person who is ordinarily engaged in the business of splitting mica may without a pass-

(i) remove block mica or chillas of size not exceeding the size mentioned in Section 3, from any place 2[* *] other than a mica mine or a mica dump; and

(ii) return to such licensee or registered proprietor splitting made from such block mica or chillas.

(2) 3[Any person who carries mica from one place to another] and who is required by sub-section (1) to carry a pass shall, on being required to do so by any officer authorised in this behalf by the 4[State] Government, produce such pass to such officer.

5[(3) No person other than a licensee or a registered proprietor or his duly authorised agent shall issue a pass required under sub-section (1)].

1. Substituted by Bihar Act 28 of 1953 for the words "such licensee or registered proprietor".

2. Substituted by Bihar Act 28 of 1953 for the words registered proprietor or digger".
3. The words "or a digger" Repealed by Bihar Act 28 of 1953.
4. Substituted by Bihar Act 28 of 1953 for the words "five hundred rupees".
5. Inserted by ibid.

15. Section 15 :-

(Removal of mica from mine worked by digger and sale of mica by diggers.) [Repealed by Section 10 of the Bihar Mica (Amdt.) Act, 1953 (Bihar Act, 28 of 1953).]

16. Section 16 :-

17. Penalties :-

(1) Save as provided in sub-section (2) and sub-section (3) of Section 4 any person who-

(a) has in his possession or sells any mica extracted from a mica mine of which he is in possession and which is situated in land of which he is not the proprietor, except under and in accordance with a miners licence 1[* *];

(b) has in his possession or sells any mica extracted from a mica mine of which he is in possession and which is situated in land of which he is the proprietor, except under and in accordance with the proprietors certificate;

(c) buys mica, or has in his possession or sells mica extracted from a mine or mica dump of which he is not in possession, except under and in accordance with a dealers licence;

(d) has in his possession or sells mica extracted from a mica dump of which he is in possession, except under and in accordance with a miners licence or a dealers licence or a proprietors certificate;

(e) being a licensee, 2[or registered proprietor] sells mica to any person other than a person to whom a dealers licence has been granted and who resides on business in a controlled area;

(f) being a person to whom a dealers licence has been granted buys mica from a person who is not a licensee or a registered proprietor 3[* *] and who resides or carries on business in a controlled area, shall on conviction by a Magistrate of the first class, be punishable with fine which may extend to 4[one thousand rupees].

(2) Any licensee or registered proprietor who-

- (a) fails to keep any account required to be kept by Section 10 or keeps an account which does not contain the particulars required by the said section or which is false in any material particular;
- (b) fails to produce such accounts or to disclose or to produce the full amount of his stock of mica when so required under Section 11;
- (c) fails to submit any prescribed return or submits a prescribed return which is false in any material particular;
- (d) refuses or wilfully neglects to afford to any officer authorised under Section 11 any reasonable facility for inspecting any mica mine or mica dump in his possession;

5[(e) allows his licence or proprietors certificate, as the case may be, to be used on behalf of any other person as authority to buy or have in his possession or sell mica extracted from a mica mine or from a mica dump;]

shall on conviction by a Magistrate of the first class be punishable with fine which may extend to 4[one thousand rupees.]

6[(3) (i) Any licensee who extracts any mica from a mica mine situated in land which is not included in his licence as endorsed by the Controller or has in his possession or sells any mica extracted from such mica mine, shall, on conviction by a Magistrate of the first class, be punishable with fine which may extend to one thousand rupees.

(ii) Any licensee who fails to produce his licence within a reasonable time after being required by the prescribed authority shall, on conviction by a Magistrate of the first class, be punishable with fine which may extend to fifty rupees]

(4) Any licensee, 7[or registered proprietor] who-

(a) fails to notify to the prescribed authority and in the prescribed manner the place or places used by him whether for storing mica or preparing it for sale; or

(b) stores mica at any place other than a place notified in accordance with Section 12;

shall on conviction by a Magistrate of the first class be punishable with fine which may extend to 8[one thousand rupees].

9[(5) Any person other than a licensee or a registered proprietor or his duly authorised agent, who issues a pass required under Section 14, and in case such person issues the pass in collusion with the licensee or the registered proprietor, such licensee or registered proprietor also shall, on conviction by a Magistrate of the first class, be punishable with fine which may extend to two hundred rupees],

1 . Substituted by *ibid.*, for the words "registered proprietor or digger."

2. Substituted by Bihar Act 28 of 1953 for the words registered proprietor or digger".
3. The words "or a digger" Repealed by Bihar Act 28 of 1953.
4. Substituted by Bihar Act 28 of 1953 for the words "five hundred rupees".
5. Inserted by ibid.
6. Substituted by ibid, for the original sub-section (3).
7. Substituted by ibid., for the words "registered proprietor or digger."
8. Substituted by Bihar Act 28 of 1953, for the words "five hundred rupees."
9. Inserted by Bihar Act 28 of 1953.

18. Penalty For Certain Offences Committed By Diggers :-

[Repealed by Section 13 of the Bihar Mica (Amdt.) Act, 1953 (Bihar Act 28 of 1953)].

19. Penalty For Unauthorised Removal Of Mica :-

Any person who 1[carries] mica in contravention of Section 14 shall be punishable with imprisonment which may extend to one year or with fine which may extend to one thousand rupees.

1. Substituted by Bihar Act 28 of 1953 for the word "removes."

20. Section 20 :-

(Penalty for removal of mica from mine worked by digger and penalty for obstructing inspection of mine worked by digger-
[Repealed by the Bihar Mica (Amdt.) Act, 1953 (Bihar Act 28 of 1953)].

21. Section 21 :-

21A. Penalty For Offences For Which Specific Penalty Is Provided :-

1[Any person who contravenes any provision of this Act or of any Rule made thereunder shall, if no other penalty is provided for the offence, on conviction by a Magistrate of the first class, be punishable with fine which may extend to five hundred rupees.]

1. Inserted by ibid.

22. Power Of Police Officer To Arrest Without Warrant :-

Any police officer may arrest without warrant any person found committing an offence punishable under clause (c) of sub-section (1) of Section 17,1[or Section 19].

1. Substituted by Section 16 of Bihar Act 28 of 1953 for the word, figures and brackets "sub-section (1) of Section 18, Section 19, Section 20."

23. Seizure And Detention Of Mica Removed Without Pass :-

(1) Any officer authorized in this behalf by the 1[State] Government may seize any mica which is removed from any place mentioned in sub-section (1), Section 14 by a person who does not carry a pass as required by that sub-section or who does not produce such pass when required to do so, and may detain such mica at the nearest police-station until the ownership thereof is established to the satisfaction of any Magistrate authorized in this behalf by the Controller.

(2) If the ownership of such mica is disputed or if the ownership thereof is not established to the satisfaction of the Magistrate, he shall refer the matter to the Controller. If any claim made to the ownership of such mica is rejected by the Controller or if no claim is made within one month from the date of detention, the mica shall be forfeited to the 2[* *] 1[State] Government:

Provided that when any such claim is rejected, the claimant may, within three months of the order rejecting the claim, apply to the Civil Court to set aside such order and the Court, if satisfied that such claimant is the owner of the mica, shall make an order for the delivery thereof to him.

1. The words "the Crown for the purposes of" Repealed by para 3 and Schedule XVI of the A.L.O.

2. The Words "the Crown for the purposes of" rep, by para 3 and Schedule XVI of the A.L.O.

24. Power Of Search And Seizure :-

(1) Whenever any officer authorized in this behalf by the 2[State] Government has reason to believe that an offence punishable under Clauses (a), (b), (c) or (d) of sub-section (1) or Clause (b) of subsection (4) of Section 17 1[* *] has been or is being committed in respect of any mica and that such mica is to be found in any building or place, and that a search warrant cannot be obtained without affording the offender an opportunity of concealing or

removing such mica, he may, after recording the grounds of his belief, at any time by day or night, enter and search such building or place and seize any mica found therein, in respect of which he has reason to believe that any offence referred to in this sub-section has been or is being committed:

Provided that no police officer whose rank is lower than that of an Inspector of police shall be authorized to exercise the powers conferred by this section.

(2) Every officer seizing any mica under this section shall-

(a) prepare a list of the mica so seized and deliver a copy thereof signed by him to the person found in possession of such mica;

(b) enclose the mica seized in a package and place on such package a mark indicating that the mica therein contained has been seized; and

(c) as soon as may be after such seizure make a report thereof to the Magistrate having jurisdiction to try the offence on account of which such seizure has been made.

(3) Upon receipt of any such report the Magistrate shall with all convenient despatch, take such measures as may be necessary for the arrest and trial of the offender and the disposal of the property according to law.

1. The Words "the Crown for the purposes of" rep, by para 3 and Schedule XVI of the A.L.O.

2. Substituted para 4(1) Schedule XVI of the A.L.O.

25. Cancellation Of Licences And Proprietors Certificates :-

(1) The State Government may cancel the licence or proprietors certificate of any licensee or registered proprietor who-

(a) allows his licence or proprietors certificate, as the case may be, to be used on behalf of any other person as authority to buy or have in his possession or sell mica extracted from a mica mine or from a mica dump, or

(b) being a person to whom a miners licence has been granted extracts mica from a mine the particulars of which are not endorsed on his licence, or

(c) is guilty of repeated failure to comply with any of the other provisions of this Act or Rules made thereunder, or

(d) is convicted of an offence under Chapter XVII of the Indian Penal Code committed in respect of mica:

Provided that a licence or proprietors certificate shall not be cancelled solely by reason of conviction from which the licensee or

the registered proprietor has no right of appeal or revision:

Provided further that a licence or proprietors certificate shall not be cancelled unless the licence or the proprietor has been furnished with the grounds for such cancellation and has been afforded reasonable opportunity to show cause why his licence shall not be cancelled.]

(2) A fresh licence or proprietors certificate shall not, without the previous sanction of the 1[State] Government, be granted to any licence or registered proprietor whose licence or proprietors certificate has been cancelled under this Section.

1. Substituted by A.L.O.

26. Delegation Of Powers And Duties Of The Controller :-

The Controller may, with the previous approval of the 1[State] Government delegate any of the powers or duties conferred or imposed on him by this Act to any Magistrate of the first class.

1. Substituted by A.L.O.

26A. Power Of Revision By The State Government :-

1[The State Government may of its own motion, or on the application of any aggrieved person, revise any order passed under this Act by the Controller or the Commissioner of the Division:

Provided that no application shall be entertained under this section-

(i) unless the application is made within ninety days of the order complained of, and

(ii) where an appeal lies against the order of the Controller, unless an appeal has been preferred to the Commissioner of the Division and disposed of.]

1. Inserted by Bihar Act. 28 of 1953.

27. Power To Make Rules :-

(1) 1[State] Government may after previous publication, make Rules to carry out the purpose of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the 1[State] Government may make Rules for prescribing-

(a) the form of the proprietors certificate 2[* *] or of any licence;

(b) [* *]5

(c) the returns to be submitted by any licensee or registered proprietor and the form or manner in which such returns shall be

submitted;

(d) the authority to whom and the manner in which licensees 3[and registered proprietors] shall notify the place or places at which they store or prepare mica for sale;

(e) the form of the pass referred to in Section 14; 4[and]

(f) 5[* *].

(g) the authority referred to in sub-section (3) of Section 17.

1. Substituted by A.L.O.

2. Substituted by Bihar Act 28 of 1953 for "registered proprietors and diggers".

3. Substituted by Act 28 of 1953.

4. Inserted by Bihar Act 28 of 1953.

5. Clause (b) and (f) Repealed by *ibid*.

28. Repeal And Saving :-

(1) The Mica Control Order, 1940, in its application to the¹ [State] of Bihar, is hereby repealed.

(2) Any order, direction, permit, licence or appointment issued, given, granted or made or deemed to be issued, given, granted or made under the said Order and in force immediately before the commencement of this Act, shall continue in force and be deemed to be an order, direction, permit, licence or appointment issued, given, granted or made under this Act; and anything done and any action taken in exercise of any power conferred by or under the said Order shall be deemed to have been made, done or taken in exercise of the powers conferred by or under this Act.