

बिहार सरकार
खाद्य एवं उपभोक्ता संरक्षण विभाग

पत्रांक— 1457
प्रेषक,

खाद्य, पटना / दिनांक 21.03.2020

चन्द्रशेखर, भा0प्र0से0
सरकार के अपर सचिव।

सेवा में,

सभी प्रमंडलीय आयुक्त,
सभी जिला पदाधिकारी,
सभी आरक्षी अधीक्षक।

विषय:— कोरोना वायरस से उत्पन्न हुई स्थिति एवं वैश्विक महामारी को ध्यान रखते हुए आवश्यक वस्तुओं की उपलब्धता सुनिश्चित करने हेतु Bihar Essential Article (Display of Prices and Stocks) order, 1977. (Re-published in 1986) के अंतर्गत कार्रवाई करने के संबंध में।

महाशय,

निदेशानुसार उपर्युक्त विषय के संबंध में कहना है कि कोरोना वायरस से उत्पन्न हुई स्थिति एवं वैश्विक महामारी को ध्यान रखते हुए जनता की हित में बाजार में आवश्यक वस्तुओं की निगरानी एवं उसकी उपलब्धता सुनिश्चित किया जाना आवश्यक है। भारत सरकार द्वारा आवश्यक वस्तु अधिनियम, 1955 के अधीन धारा-02ए0 के अंतर्गत शामिल किये गये आवश्यक वस्तुओं में Foodstuffs, including edible oilseeds and oils तथा Petroleum and Petroleum Products के संबंध में विभाग द्वारा आवश्यक कार्रवाई किया जाता है। भारत सरकार द्वारा आवश्यक वस्तु अधिनियम, 1955 की धारा-03 के अंतर्गत खाद्यान्न, दालें, तिलहन एवं खाद्य तेल, चीनी को वर्ष 2002 के बाद से छः माह से एक वर्ष के लिए समय-समय पर आवश्यक वस्तु अधिनियम, 1955 की अधीन जारी किये गये किसी आदेश के अंतर्गत अनुज्ञा पत्र या अनुज्ञप्ति की अपेक्षा रखने/ नहीं रखने के संबंध में आदेश निर्गत किया गया है। विभाग द्वारा भारत सरकार द्वारा निर्गत निदेश के आलोक में "बिहार व्यापारिक वस्तु (अनुज्ञा पत्र एकीकरण) आदेश, 1984" के अंतर्गत अनुज्ञापन का प्रावधान लागू किया जाता रहा है। वर्तमान में खाद्यान्न, दालें, तिलहन एवं खाद्य तेल, चीनी पर अनुज्ञापन का कोई प्रावधान लागू नहीं है। इस संबंध में जिला पदाधिकारी अगर किसी आवश्यक वस्तु अधिनियम, 1955 के धारा-02 ए0 के अंतर्गत शामिल कराना चाहते हों, तो उसका प्रस्ताव विभाग को भेजना सुनिश्चित करेंगे।

उपरोक्त के आलोक में स्पष्ट करना है कि इस संबंध में "Bihar Essential Article (Display of Prices and Stocks) order, 1977.(Re-published in 1986)" का प्रावधान निर्गत है। इस आदेश के अनुसूची-01 में वर्णित वस्तुओं का कारोबार करने वाले व्यापारियों द्वारा मूल्य एवं भण्डार प्रदर्शन किया जाना है। उल्लेखनीय है कि इस आदेश का उल्लंघन करने वाले व्यापारियों के विरुद्ध आवश्यक वस्तु अधिनियम, 1955 की धारा-07 अंतर्गत प्राधिकृत पदाधिकारियों द्वारा कार्रवाई करने का प्रावधान है परन्तु कार्रवाई करने के पूर्व संबंधित जिला पदाधिकारी/विशिष्ट पदाधिकारी अनुभाजन/अनुमंडल पदाधिकारी से अभियोजन की स्वीकृति प्राप्त करना आवश्यक है। आदेश की छायाप्रति संलग्न है।

अतः अनुरोध है कि उक्त के आलोक में संबंधित सभी पदाधिकारियों को विषयांकित आदेश के अंतर्गत कार्रवाई करने हेतु निदेशित करने की कृपा की जाय।

ज्ञापांक:— 1457

प्रतिलिपि:— सभी जिला आपूर्ति पदाधिकारी/सभी अनुमंडल पदाधिकारी को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

विश्वासभाजन
20/3/2020
सरकार के अपर सचिव।

खाद्य, पटना / दिनांक— 21.03.2020

20/3/2020
सरकार के अपर सचिव।

BIHAR ESSENTIAL ARTICLES (DISPLAY OF PRICES AND STOCKS) ORDER, 1977. (Re-published in 1986)

G.S.R.11. dated the 30th April 1986.—Whereas the Governor of Bihar is of opinion that for the maintenance and increase of supplies and services essential to the life of the community and for securing the equitable distribution and availability of any articles or thing at fair prices, it is necessary and expedient to make an order to provide for regulating the supply, distribution, use and consumption of articles and things and trade and commerce therein;

Now, therefore, in exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955) read with the order of the Government of India in the Ministry of Agriculture published under G.S.R. 316(E), dated the 20th June 1972 and the order of the Government of India in the Ministry of Industry and Civil Supplies published under S.O.681(E) and S.O.682 both, dated the 30th November 1974 and with the prior concurrence of the Government of India, Ministry of Civil Supplies and Co-operation received under the letter No. F-20(10)/77-E.C.R., dated the 20th September, 1977, the Governor of Bihar is pleased to make following Order:—

1. Short title, extent and commencement.—(a) This Order may be called the Bihar Essential Articles (Display of Prices and Stocks) Order, 1977.

(b) It extends to the whole of the State of Bihar.

(c) It shall come into force at once.

2. Definitions.—(a) "Articles" means any essential commodity mentioned in Schedules I and II appended to this Order and includes any other article to be declared so from time to time, by the State Government or the Commissioner or the District Magistrate empowered by the State Government in this behalf:

Provided that if the Commissioner or the District Magistrate is satisfied that there is no shortage, hoarding, or blackmarketing in any article mentioned in Schedules I and II or for which there is no apprehension of malpractices by the dealers, he may from time to time by a general or special order, in this behalf, exclude from or add to any item in the said Schedules.

[Notes :—S.D.O. can be authorised by the Collector to perform the functions and powers of Collector. Fixation of prices by SDO held valid. *Baidyanath Dham Prasadi Bikreta Sangh vs. State of Bihar*, 2000(3) PLJR 728.]

(b) "State Government" means the Government of the State of Bihar.

(c) "Dealer" means a person who deals in the sale or storage for sale either wholesale or retail of any of the articles mentioned in Schedules I and II and includes his agent or representative or Arhatia.

(d) "Price" in relation to an article means the amount of money for which the dealer sells or parts with, agrees to sell or to part with, offers to sell or to part with any articles and includes sales tax and other taxes, if any.

[Notes :—Authorities specified are empowered to add or exclude any article to the schedule. *Baidyanath Dham Prasadi Bikreta Sangh vs. State of Bihar*, 2000(3) PLJR 728.

Fixation of reasonable prices for the "Shrawani Mela" for a limited period to check black marketing and artificial scarcity is valid. *ibid.*]

(e) "List of prices" means the list maintained from time to time by a dealer in Form "A" of Schedule II to this Order indicating the sale price and stock of these articles specified in which the dealer carries on business.

(f) "Commissioner" means the Divisional Commissioner and includes the Food Commissioner, Bihar.

(g) "District Magistrate" means the Collector of the District.

3. Display of stock and prices.—Every dealer shall before commencement of his business on any day display at a conspicuous place near the entrance of his business premises the following:—

- (a) A list of prices and stocks of all those articles mentioned in Schedule I in which he deals:
1[Provided that retailers, except the shops established under Public Distribution System will have to display the price of each article mentioned in Schedule I of the Bihar Essential Articles (Price and Stock) Display Order, 1977 and they shall have to display the availability of stock on the Display Board writing the word "Yes" or "No" in place of writing quantity of availability of stocks.]
- (b) The price of every such article mentioned in Schedule II in which he deals in by affixing a price label or a price tag to each article, or by putting a price placard where the article is stored or kept for sale, unless the price of the article is already printed on the article itself, or its container, or packet or wrapper.
- (c) List of prices of any article mentioned in Schedule II as may be specified from time to time by the Commissioners or the District Magistrates as the case may be:

[Notes.—Provisions of proviso to clause 6(a) is mandatory-prosecution for violation of clause 3 not permissible without the prior sanction of the authorities mentioned in proviso to clause 6. *Ashok Kumar Gupta vs. State of Bihar*, 1990 BRLJ 79: 1990 BBCJ 175.

No particulars or definition of a "bill cash memo-to be issued by the seller prescribed in the Display Order-what has to be seen is whether the particulars necessary to specify the goods sold, the price paid and the names and addresses of the purchaser and seller and date of sale have been specified or not - if such detail/particulars are supplied in a written document, it is immaterial whether the document is termed as a "cash memo" or "bill" or a "challan" - such document satisfies the requirement of clause 4(c). *Mithila Cycle Centre vs. State of Bihar*, 1990 BRLJ 215 : 1990(2) PLJR 184.

Substantive offences like sale of adulterated food items or sale in black-marketing is fundamentally different from such technical offences like non-production of registers or non-display of Board—Prosecution should not be allowed to continue when only a meagre quantity of food-grain is detected in the business premises. *Janki Pd. Gupta vs. State of Bihar*, 2000(1) PLJR 46.

Fixation of reasonable prices for the "Shravani Mela" for a limited period to check black-marketing and artificial scarcity is valid. *Baidyanath Dham Prasadi Bikreta Sangh vs. SOB*, 2000(3) PLJR 728.

Authorities specified are empowered to add or exclude any article to the schedule. *ibid.*

Provided that numerals to be used in the list of prices shall be either in Devnagri form or in the international form of Indian numerals.

4. Sale of articles.—No dealer shall-

- (a) sell to any person any article mentioned in Schedules I and II at a price higher than that displayed in accordance with clause 3;
- (b) refuse to sell such articles to any person at a price so specified or marked;

1. Ins. by G.S.R. 28 dated 27.6.1986.

¹[(c) 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.]

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

6. Power of entry, inspection, search, seizure, etc.—Any Commissioner, District Magistrate, ²[Dy. Inspector General of Police Economic Offences Bihar, Superintendent of Police (Food), C.I.D., Dy. Superintendent of Police (Food), C.I.D. Bihar, Subdivisional Magistrate or any Executive Magistrate, Deputy Director of Food and Civil Supplies, Additional Collector (Supply), District Supply Officer, Additional District Supply Officer, Rationing Officer, Deputy Rationing Officer, Assistant Rationing Officer, Circle Officer, Block Development Officer, Project Executive Officer, Assistant Project Executive Officer, Marketing Officer, Assistant Marketing Officer, Supply Inspector, ¹[Inspector of Police (Food) C.I.D. Bihar], Police Officer, not below the rank of Sub-Inspector of Police or any other officer not below the rank of Executive Magistrate authorised by the State Government in this behalf may with a view to secure compliance with this Order or satisfying himself that this Order has been complied with—

(a) require any person to give a copy of the list of prices or any other information in his possession in respect of any business of a dealer carried by him or on his behalf and such person shall give the copy of the information required by him;

(b) inspect or cause to be inspected any book or document or any stock of articles belonging to or under the control of any person and take such book or document or stock in his possession; and

(c) enter and search any premises or place and seize any article in respect of which such officer suspects that any provision of this Order has been or is being or is about to be contravened;

Provided that no prosecution shall lie against a person for contravention of any of the provisions of this Order unless the same has been sanctioned by the District Magistrate or Special Officer Incharge, Rationing or Additional District (Supply) or Subdivisional Magistrate within limits of their respective local jurisdiction.

[Notes.—Taking of cognizance, against a dealer without obtaining sanction from the competent authority, is bad and launching of prosecution is illegal. *Dhaneshwar Prasad Sah vs. State of Bihar*, 1990 BRLJ 202: 1990 BBCJ 580: 1990 PLJR 169: 1990(2) BLJ 554.

Provisions of proviso to clause 6(a) is mandatory-prosecution for violation of clause 3 not permissible without the prior sanction of the authorities mentioned in proviso to clause 6. *Ashok Kumar Gupta vs. State of Bihar*, 1990 BRLJ 79: 1990 BBCJ 175.

Proviso and section 197 Cr. P.C- the wordings of proviso to clause 6 is more stringent and provides for taking of sanction prior to the initiation of the prosecution-taking of sanction subsequent to the initiation of the prosecution will not cure the illegality. *Mithila Cycle Centre vs. State of Bihar*, 1990 BRLJ 215 : 1990(2) BRLJ 184.

1. Subs. by G.S.R. 22 21.7.1989.

2. Ins. by G.S.R. 33 dated 28.7.1992.

Proviso read with Section 482 Criminal Procedure Code, 1973- no prosecution is maintainable in the absence of sanction as required under proviso to clause 6-prosecution fit to be quashed. *Surendra Prasad vs. State of Bihar*, 1990 BRLJ 277.

For prosecution under Clause 6 sanction is necessary from the District Magistrate for prosecution under clause 8 no sanction is needed - in a case where both the clauses are attracted and no sanction has been taken for clause 6- the prosecution becomes vitiated as it cannot continue on Clause 8 only - thus fit to be quashed. *Satyendra Kumar Singh vs. State of Bihar*, 1991 BRLJ 153.]

7. Maintenance of stock register in respect of articles (s) mentioned in Schedule I.— Every dealer shall maintain a correct stock register in respect of the article or articles mentioned in Schedule I to the Order.

[Notes.—Substantive offences like sale of adulterated food items or sale in black-marketing is fundamentally different from such technical offences like non-production of reports or non display of the Board—Prosecution should not be allowed to continue when only a meagre quantity of food grain is detected in the business premises. *Janki Pd. Gupta vs. State of Bihar*, 2000(1) PLJR 46.]

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

[Notes.—For prosecution under Clause 6 sanction is necessary from the District Magistrate- for prosecution under clause 8 no sanction is needed- in a case where both the clauses are attracted and no sanction has been taken for clause 6- the prosecution becomes vitiated as it cannot continue on clause 8 only- thus fit to be quashed. *Satyendra Kumar Singh vs. State of Bihar*, 1991 BRLJ 153.]

[G.S.R. 24, the 27 June 1986.—In exercise of the powers conferred under clause 8 of the Bihar Essential Articles (Display of Prices and Stocks) Order, 1977, the Governor of Bihar is pleased to exempt such small dealers who store foodgrains, and pulses taken together upto three quintals, gur upto 50 kgs.; soda ash upto 50 kgs.; matches upon 24 dozens and exercise books (but not Vaishait) upto 24 dozens from the operation of the aforesaid Order.

G.S.R. 28, the 27th June 1986—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (Act 10 of 1955) read with order no. G.S.R. 800 (E), dated the 9th June, 1978 of the Government of India. Ministry of Agriculture and Irrigation (Department of Food). the Governor of Bihar is pleased to add after the following proviso after clause 3 (a) in the Bihar Essential Articles (Display of Prices and Stocks) Order, 1977 issued under notification no. G.S.R. 11, dated the 30th April, 1986 of the Food, Supply and Commerce Department.

"Provided that retailers, except the shops established under the Public Distribution System shall have to display the prices of each article including taxes and they shall have to display on the Display Board writing the word "yes" or "No" in place of writing quantity of availability of stocks].

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

SCHEDULE I.**SCHEDULE I APPENDED TO THE BIHAR ESSENTIAL ARTICLES (DISPLAY OF PRICES AND STOCKS) ORDER, 1977.**

1. ¹[Wheat and wheat products (excluding husk and bran)]
2. Rice
3. Gram.
4. Atta or wheat, rice or gram.
5. Maize.
6. Pulses grains.
7. Pulses
8. ²[x x x x]
9. Salt.
10. Sugar.
11. Gur.
12. Edible Oils of all kinds.
13. Vanaspati of all makes.
14. ³[Baby food]

[Notes.—Item 13 (as amended in 1981)- 'baby food' - prosecution under section 7 E.C. Act for non-display of 'Amulya Milk Powder' on notice board distinction between 'baby food' and 'milk powder' - 'baby food' cannot include such type of food which is used/consumed by adults or persons above 5 years of age - 'Amulya Milk Powder' prepared and intended for general consumption for all without restriction or reference to age as against 'Amulya Milk Spray prepared specially for children- 'Amulya Milk Powder' is not 'baby food'- no requirement for display of the item in the display board. *Hoshyarmal Gupta vs. State of Bihar*, 1991 BRLJ 133.]

15. ⁴[x x x]
16. ⁴[x x x]
17. ⁵[x x x]
18. Matches.
19. Petrol and H.S.D. ex-pump and motor oils in sealed tins.
20. ⁶[x x x]
21. Kerosene oil.
22. Maida/Suji/Rawa.
23. Exercise books.
24. Soda ash (for washing purposes).
25. L.P. gas (for cooking purposes)
26. All varieties of papers.
27. ⁷[xxx].
28. ⁷[xxx].
29. ⁷[xxx].
30. ⁷[xxx].
31. ⁷[xxx].
32. ⁷[xxx].

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1. Ins. by G.S.R. 13 dated 11.9.1997.
 2. Omitted by G.S.R. 26 dated 27.6.1986.
 3. Subs. by ibid.
 4. Omitted by G.S.R. 26 dated 27.6.1986.
 5. "Coal including soft coal" deleted by G.S.R. 14 dated 21.4.1992
 6. Omitted from Schedule I and added to Schedule II by G.S.R. 26 dated 27.6.1986.
 7. Items 27 to 32 added by G.S.R. 18 dated 27.6.1986 and omitted by G.S.R. 26 dated 27.6.1986.

¹[33 Cement.

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

35. ²[x x x x]

³[36. Raw Jute]

[G.S.R. 13 dated 11.9.1997.—In exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (Act 10 of 55) read with the order of the Government of India in the Ministry of Agriculture published under G.S.R. 316(E), dated 20th June, 1972, and the order of the Government of India in the Ministry of Industry and Civil Supplies under S.P. 681(E) dated S.O. 682(E) both, dated the 30th November, 1974 and with the prior concurrence of the Government of India [letter No. (5)/(6)/ 96-D & R-1 dated 9th December, 1996]. the Governor of Bihar is pleased to make the following amendment in the Bihar Essential Articles (Display of Prices and Stock) Order, 1977, namely:—

AMENDMENT

1. In Schedule "1" of the said order in item "1" the word "Wheat and wheat products" (excluding husk and bran) shall be included.



G.S.R. 5, dated 26th October 2002.—The powers conferred by section 3 of the Essential Commodities Act, 1955 (Central Act 10 of 1955) with the prior occurrence of the Government of India, the following amendment in the Bihar Trade Articles (Licences Unification) Order 1984 as well Bihar Essential Articles (Display of Price and Stock) Order 1977 renotified in 1986 and related Notifications of Food, Supply and Commerce Department was made, but due to clerical mistake "Excluding Subsidised foodgrains to be distributed through PDS shops and Purchase, sale as well as storage of foodgrains through Government a/c" was not mentioned after bracket (Foodgrains), in which following amendment is being made:—

AMENDMENT

In the above mentioned order. the word and bracket (Foodgrains) (Excluding subsidised foodgrains to be distributed through PDS Shops and Purchase, sale as well storage of foodgrains through Government A/C/) used in Schedule I are hereby deleted.

Prior notification may kindly be treated as revised to this extent,



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1. Added by G.S.R. 22 dated 27.6.1986
 2. "Bricks" deleted by G.S.R. 31, dated 8.9.89.
 3. Added by G.S.R. 34, dated 27.6.1986.

SCHEDULE II.
SCHEDULE II APPENDED TO THE BIHAR ESSENTIAL ARTICLES (DISPLAY OF PRICES AND STOCKS) ORDER, 1977.

1. 1[x x x]
2. 2[x x x]
3. 3[Tyres and tubes of buses and trucks]
4. 4[x x x]
5. Drugs and medicines.
- 5[6. Cattle Fodder, including oil cakes and other concentrates.
7. Hurricane Lanterns.
8. Dry cells torches and transistor radio.
9. Tea.
10. 6[x x x]
11. Toilet soaps.
12. Washing soaps.
13. Razor Blades.
14. Shaving soaps.
15. 5[x x x]
16. Iron and Steel.-
(i) Black sheets (plain), (ii) Black sheets (Corrugated), (iii) Galvanized sheets (plain), (iv) Galvanized sheets (Corrugated), (v) Rods, (vi) Joints, (vii) Angles, (viii) Channels, (ix) Plates, (x) Wire, (xi) Bars, (xii) Pig Iron, (xiii) Tin plate, Teme-plate (xiv) Pipes, (xv) Plate.
17. Diesel Engine, Diesel Pumpsets, Electric Motor.
18. Stainless Steel Utensils.
19. Insecticides and pesticides.]
- 7[20. Bread (commonly known as Double Roti or Paon Roti).]

SCHEDULE III

FORM 'A'

Date.....Name of the dealer.....Premises of business.....

List of prices as displayed in accordance with clause 3 of the Bihar Essential Articles(Display of Prices and Stocks) Order, 1977.

Serial No.	Name of articles.	Quality/make of article.	Unit of prices.	Sale price	Stocks	Remakrs.
1	2	3	4	5	6	7

Note-(1) Each quality/make of the article should be shown separately so as to indicate the separate price for that quality/make.

(2) In remakrs column the dealer will display the price as fixed by the manufacturers. distributors, etc. in respect of the article.

Notification rescinding foodgrains (Movement) Control Orders—

[1]^B [G.S.R. 696 (E) the 30th Sept. 1977.—In exercise of the powers conferred

1. "Cycle tyres and tube.....deleted by G.S.R. 16 dated 5.10.1990
2. "Tyres and Tubes of Scooter deleted by ibid.
3. Subs. by ibid.
4. Omitted by G.S.R. 32 dated 27.6.1986.
5. Added by G.S.R. 20 dated 27.6.1986.
6. "Coffee (10) and Electric bulbs (15) "deleted by G.S.R. 33, dated 8.9.89
7. Added by G.S.R. 26 dated 27.6.1986.
8. Published in the Gazette of India Extraordinary Part II Section 3 sub- section (ii) dated 13th September, 1977.