



The Uttar Pradesh Bricks (Regulation of Supply) Act, 1990
Act 6 of 1991

Keyword(s):
Brick, Kiln, Dealer

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No. 447(2)/XVII-V-1—1(KA)21-1990

Dated Lucknow, February 27, 1991

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Eent (Sambharan Ka Viniyaman) Adhiniyam, 1990 (Uttar Pradesh Adhiniyam Sankhya 6 of 1991) as passed by the Uttar Pradesh Legislature and assented to by the Governor on February 27, 1991.

THE UTTAR PRADESH BRICKS (REGULATION OF SUPPLY)
ACT, 1990

(U. P. ACT No. 6 OF 1991)

(As passed by the U. P. Legislature)

AN
ACT

to provide in public interest, for regulation of supply with a view to securing the equitable distribution of bricks at fair price.

IT IS HEREBY enacted in the Forty-first Year of the Republic of India as follows :—

Short title
extent and
commencement.

1. (1) This Act may be called the Uttar Pradesh Bricks (Regulation of Supply) Act, 1990.

(2) It extends to the whole of Uttar Pradesh.

(3) It shall be deemed to have come into force on May 12, 1990.

Definitions

2. In this Act,—

(a) 'brick' means any piece of burnt clay having geometrical shape fired in a kiln ;

(b) 'kiln' means a structure used for firing bricks; and

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

Powers to regulate price, supply, distribution or consumption of bricks

3. (1) Where the State Government is of opinion that it is necessary so to do for maintaining or increasing supplies of bricks or for securing their equitable distribution and availability at fair prices, it may, by notified order, provide for regulating supply, distribution, consumption and price thereof.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), an order made thereunder may provide—

(a) for regulating by licences, permits or otherwise the storage, distribution, transport, acquisition, supply, manufacture and consumption of bricks ;

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

(c) for prohibiting the withholding from sale, of bricks, ordinarily kept for sale ;

(d) for requiring a dealer or kiln owner to maintain and produce for inspection such accounts and records regarding bricks and to furnish such information relating thereto, as may be specified in the order ;

(e) for requiring a dealer or kiln owner to sell the whole or a specified part of bricks held in stock or produced or received by him to the State Government or the Central Government or to an officer or agent of such Government or to a Corporation owned or controlled by such Government or to such other person or class of persons and in such circumstances as may be specified in the order ;

(f) for any incidental and supplementary matters including in particular the entering and search of premises and vehicles, seizure of bricks, the grant or issue of licences, permits and other documents and the charging of fees therefor.

4. (1) Whoever contravenes or attempts to contravene, or abets the contravention of the provisions of any order made under section 3 shall be punishable with imprisonment for a term which may extend to three years or with fine or with both, and if the order so provides, any court trying such contravention may direct that any property, in respect of which the court is satisfied that the order has been contravened, or such part of it as the court may deem fit shall be forfeited to the State Government. Penalty

(2) Whoever being required by an order made under section 3 to make any statement or furnish any information—

(i) makes any statement or furnishes any 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

(ii) makes any such statement as aforesaid in any book, account, record, declaration, return or other document which he is required by any such order to maintain or furnish ;

shall be punishable with imprisonment for a term which may extend to three years or with fine, or with both.

5. (1) If the person committing an offence under this Act is a company, the company as well as every person in charge of and responsible to the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Offences by companies

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of, any secretary, director, manager or other officer of the company, such secretary, director, manager or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation—For the purposes of this section—

(a) "company" means any body corporate and includes a firm or other association of individuals, and

(b) "director" in relation to a firm, means a partner in the firm.

Protection of
action taken in
good faith

6. No suit, prosecution or other legal proceedings shall lie against the State Government or any person for anything which is in good faith done or intended to be done, in pursuance of this Act or any order made thereunder.

Repeal and
saving

7. (1) The Uttar Pradesh Bricks (Regulation of Supply) Ordinance, 1990, is hereby repealed.

U.P. Ordinance no.
12 of 1990

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of this Act as if the provisions of this Act were in force at all material times.

~~U.P. Ordinance no. 12 of 1990~~

By order,
R. D. MATHUR,
Joint Secretary and Joint
Legal Remembrancer.