



The East Punjab Control of Bricks Supplies Act, 1948

Act 1 of 1949

Keyword(s):

Brick, Kiln, Dealer

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**'THE EAST PUNJAB CONTROL OF BRICKS
SUPPLIES ACT, 1949.**

EAST PUNJAB ACT NO. 1 OF 1949.

*[Received the assent of His Excellency the Governor on the 21st
March, 1949; and first published in the East Punjab Government
Gazette (Extraordinary) of March 25, 1949.]*

1	2	3	4
Year	No.	Short title	Whether repealed or otherwise affected by legislation.
1949	1	The East Punjab Control of Bricks Supplies Act, 1949	Amended in part by the Adaptation of Laws Order, 1950. Amended in part by the Adaptation of Laws (Third Amendment) Order, 1951. Extended to the territories which immediately before the 1st November, 1956 were comprised in the State of Patiala and East Punjab States Union, by Punjab Act 5 of 1957 ² . Amended by the Haryana Adaptation of Laws Order, 1968 ³

An Act to control brick supplies in ⁴[Haryana].

It is hereby enacted as follows :—

1. (1) This Act may be called the East Punjab Control of Bricks
Supplies Act, 1949.

Short title and
extent.

(2) It extends to the whole of the ⁵[State] of ⁴[Haryana].

1. For Statement of Objects and Reasons, see *East Punjab Government Gazette*, (Extraordinary), 1949, page 47. For proceedings in the Assembly, see *East Punjab Legislative Assembly Debates*, Volume III, 1949, pages 638-48.
2. For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1957, page 339.
3. See *Haryana Government Gazette* (Extraordinary), dated the 29th October, 1968, pages 531-567.
4. Substituted for the word "Punjab" by the Haryana Adaptation of Laws Order, 1968.
5. Substituted for the word "Province" by the Adaptation of Laws (Third Amendment) Order, 1951.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context, —

- (a) 'Brick' means any piece of burnt clay having a 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 control supply, distribution or consumption of bricks.

3. 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 notified order, provide in regard to bricks—

- (a) for regulating by licences, permits or otherwise the storage, distribution, transport, acquisition, disposal, manufacture and consumption of bricks;
- (b) for controlling the prices at which bricks may be bought or sold;
- (c) for collecting any information or statistics with a view to regulating of the aforesaid matters ;
- (d) for requiring dealers or kiln owners, 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 any incidental and supplementary matters including in particular the entering and search of premises, vehicles, the seizure by a person authorised to make such search of the bricks, in respect of which such person has reason to believe that contravention of any order made under this Act has been, is being or is about to be committed, the grant or issue of licences, permits or other documents, and the charging of fees therefor.

Delegation of powers.

4. The '[State] Government may, by order notified in the Government 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 also by such officer or authority subordinate to the '[State] Government as may be specified in the order.

1. Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

5. Any order made under section 3 shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.

Effect of Orders inconsistent with other enactments.

6. If any person contravenes any order made under section 3 he 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 ¹[Government].

Penalties.

7. Any person who attempts to contravene or abets a contravention of any order under section 3 shall be deemed to have contravened that order.

Attempts and abetments.

8. If the person contravening an order made under section 3 is a company or other body corporate, every Director, Manager, Secretary or other officer or agent thereof shall, unless he proves that the contravention took place without his knowledge and that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.

Offences by corporations.

9. If any person —

- (i) when required by any order made under section 3 to make any statement or furnish any information, makes any statement or furnishes any information which is false in any material particular and which he knows or has reasonable cause 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 ;

False statement.

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

10. An offence committed under this Act shall be cognizable.

Cognizance of offence.

11. Any Magistrate or Bench of Magistrates empowered for the time being to try in a summary way the offences specified in sub-section

Powers to try offences summarily.

1. Substituted for the words "His Majesty" by the Adaption of Laws Order, 1950.

5 of 1898

(1) of section 260 of the Code of Criminal Procedure, 1898, may, on application in this behalf made by the prosecution try in accordance with the provisions contained in sections 262 to 265 of the said Code any offence punishable under this Act.

Presumption as to orders.

12. (1) No order made in exercise of any power conferred by or under this Act shall be called in question in any court.

1 of 1872

(2) Where an order purports to have been made and signed by an authority in exercise of any power conferred by or under this Act, a court shall, within the meaning of the Indian Evidence Act, 1872, presume that such order was so made by the authority.

Protection of action taken under the Act.

13. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any order made under section 3.

(2) No suit or other legal proceeding shall lie against the ¹[Government] for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any order made under section 3.

1. Substituted for the word "Crown" by the Adaptation of Laws Order, 1950.