

EAST PUNJAB CONSERVATION OF FIREWOOD SUPPLIES ACT, 1949

1949 : East Pb. Act 11.] CONSERVATION OF FIREWOOD 363 SUPPLIES THE EAST PUNJAB CONSERVATION OF FIREWOOD SUPPLIES ACT, 1949. TABLE OF CONTENTS. Sections, 2. 3. 4. 5. 6. 7, 9. IO. 11. 12. 13

14. Short title and extent. Definitions. Powers to control supply, distribution or use of firewood. Delegation of Powers. Effects of orders inconsistent with other enactments. Penalties. Attempts and abetments. Offences by corporations. False statements. Cognizance of offences. Powers to try offences summarily. Presumption as to orders. Protection of action taken under the Act. Repeal. 1949 : East Pb. Act n.] CONSERVATION OF FIREWOOD SUPPLIES THE EAST PUNJAB CONSERVATION OF FIREWOOD SUPPLIES ACT, 1949. EAST PUNJAB ACT No. 11 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25, 1949]. 1 Year 1949.. 3 No. 11 2 Short title The East Punjab Conservation of Firewood Supplies Act, 1949 4 Whether repealed or otherwise affected by legislation Amended in part by the Adaptation of Laws Order, 1950.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 1st November, 1956, were composed in the State of Patiala and East Punjab States Union by Punjab Act. 5 of 1957 2 Amended by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968. An Act for the Conservation of Firewood Supplies in 3[Punjab] It is hereby enacted as follows : 1. (1) This Act may be called the East Punjab Conservation of Firewood Supplies Act, 1949. (2) It extends to the whole of the 4[Union Territory of Chandigarh]

2. In this Act, unless there is anything repugnant in the subject or context,— (a) 'Firewood' means any kind of wood used for burning, and includes charcoal, saw-dust, charcoal dust, brushwood, wooden chips or shavings ; but does not include timber classified as such and owned or sold as such by any Department of the 5[Central Government]. iFor Statement of Objects and Reasons, see East Punjab Government Gazette (Extraordinary), 1949, page 41 ; for proceedings in the Assembly, see East Punjab Legislative Assembly Debates, volume III , 1949, pages 621—30. *For Statement of Objects and Reasons, see Punjab Government Gazette, (Extraordinary), 1957, page 339 'Substituted for the words "East Punjab" by the Adaptation of Laws (Third Amendment) Order, 1951. (Chandigarh) (Adaptation of Laws on State and concurrent Subjects) Order, 1968. 'Substituted for the words "State Government" by -ibid. 366 CONSERVATION OF FIREWOOD [1949 : East Pb. Act SUPPLIES (b) 'Dealer' means any person who deals in firewood or holds stocks of firewood for sale and includes his representative or agent ; (c) 'Factory' means a factory as defined in section 2(m) of the Factories Act, 1948; and LA of 1941 (d) 'Kiln' means a structure used for firing bricks

3. The '[Central Government] so far as it appears to it Powers to control supply, distribution or use of firewood to be necessary or expedient for conserving or maintaining supplies or for securing their equitable distribution and wood. availability at fair prices, may by notified order provide in regard to firewood :— (a) for regulating by licences, permits or otherwise the use, storage, distribution, import, transport, acquisition, disposal and consumption of firewood including its acquisition and consumption in kilns and factories ; (b) for regulating by licences, permits or otherwise the manufacture of charcoal ; (c) for controlling the prices at which firewood may be bought or sold by dealers ; (d) for requiring any dealer holding stocks of firewood to sell the whole or specified part of the stock at such prices and to such persons or class of persons or in such circumstances as may be specified in the order • (e) for collecting any information or statistics with a view to the regulating of the aforesaid matters ; (f) for requiring dealers or factory and kiln owners, to maintain and produce for inspection such accounts and records regarding firewood and to furnish such information relating thereto, as may be specified in the order ; (g) for any incidental and supplementary matters including in particulars the entering and search of premises , vehicles, boats, the seizure by a person authorised to make such search of the firewood 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 their documents, and the charging of fees therefor. iSubstituted for the words "State Government" by the 'Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and concurrent subjects) order' 1968. 1949 : East Pb. Act n.]

CONSERVATION, OF FIREWOOD 367 SUPPLIES 4. The 1[Central Government] may, by order notified Delegation of in the Government Gazette, direct that the power to make Powers. 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 exercis ible also by such officer or authority sut- ordinate to the 1[CentralGovernment] as may be sp•cified in the order

5. Any order made under section 3 shall have effectkffect of orders notwithstanding anything inconsistent therewith contain- Inconsistent with ed in any enactment other than this Act or in any instru- other enactments.ment having effect by virtue of any enactment other than this Act

6. If any person contravenes any order.made under Penalties. 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 res- pect of which the court is satisfied that the order has been c ontravened shall be forfeited to thel[Central Government]

7. Any person who attempts to contravene or abets a Attempts and abet contravention of any order under section 3 shall be deem- ments.ed to have contravened that' order

8. If the person contravening an order made under Offences by cor- porations section 3 is a company or other body corporate, every- Director, Manager, Secretary or other officer or agent there- Of 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

9. If any person—(i) when required by any order made under section 3 to make any statement or furnish any informa- tion; makesany statemenV or furnishes- any in- formation which is false in any material parti- cular and which he knows or has reasonable cause to believe•to be false; ordoes not believe to be true, or (ii) makes any such statement as aforesaid in any book, account, record, declaration, return _ or 1Substituted for the words "StateGoyernmenC'." by the Reorwgisation (Chandigarh) (Adaptation ofLawso• State Subjects), Order, 1968 False statements. 368 CONSERVATION OF FIREWOOD [19491: East Pb. Aetn SUPPLIES other document which he is required by any such order to maintain or furnish ; he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both. of IO. An offence committed under this Act shall be cognizable. Power to try 11. Any Magistrate or Bench of Magistrtes Y powered for the time being to try in a summary way the offences specified in sub-section (1) of Section 260 of the Code of Criminal Procedure, 1898, may , on application in this behalf being 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 12. (1) No order made in exercise of any power con- ferred by or under this Act shall be called in question in any court. (2) Where an order purports to have been made andlotl!t 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. 13. (1) No suit, prosecution or other legal proceeding PrMedon of action taken under shall lie against any person for anything which is in good the 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 ILGovernmentl 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 sec• tion 3

14. The East Punjab Conservation of Firewood Repeal of East Punjab ordinance plies Ordinance is hereby repealed ; but all orders passed under the said Ordinance shall be deemed to have been passed under this Act.testituted for Uxe word "Gown" Ad"tationof Lao Oru, i99•