

EAST PUNJAB CONTROL OF BRICKS SUPPLIES ACT, 1949

1948 : East Pb. Act L.] HOLDINGS (CONSOLIDATION 357 AND PREVENTION OF FRAGMENTATION) THE EAST PUNJAB CONTROL OF BRICKS SUPPLIES ACT, 1949. TABLE OF CONTENTS. Sections. I. 2. 3. 4. 5. 6. 7. 8. 9. 11. 12

13. Short title and extent. Definitions. Powers to control supply, distribution or consumption of bricks. Delegation of Powers. Effect of orders inconsistent with other enactments. Penalties. Attempts and abetments. Offences by corporations. False statement. Cognizance of offence. Powers to try offences summarily. Presumption as to orders. Protection of action taken under this Act. East Pb. Act 1] CONTROL OF BRICKS 1949 SUPPLIES 359 THE EAST PUNJAB CONTROL OF BRICKS SUPPLIES ACT, 1949. EAST PUNJAB ACT No. I 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of March 25, 1949.] 1 Year No. 1949 . 3 2 Short title 1 The East Punjab Control of Bricks Supplies Act, 1949. 4 Whether repealed or otherwise affected by legislation Amended in part by the Adaptation of Laws Order, 1950 Amended in part by the Adaptation of Laws (Third Amendment).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 the 1st November, 1956, were comprised in the State of Patiala and East Punjab States Union by Punjab Act 5 of 1957 Amended by the Punjab Reorganisation (Chandigarh), (Adaptation of Laws on State and Concurrent Subjects) Order, 1968. An Act to control brick supplies in Punjab. IT is hereby enacted as follows : 1. (1) This Act may be called the East Punjab Control of Bricks Supplies Act, 1949. extent. (2) It extends to the whole of the Punjab [Union territory of Chandigarh]

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 representatives or agent. 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 II, 1949, pages 638-48. For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1957 page 339. Substituted for the word "Province" by the Adaptation of Laws Order, 1951. For the words "State of Punjab" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968. 360 CONTROL OF BRICKS [1949 : East Punjab Act SUPPLIES 3. The [Central Government] in so far as it appears to Powers to control or consumption of it to be necessary or expedient for controlling the supply of bricks. Delegation powers. 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 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 brick, 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

4. The [Central 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 [Central Government] as may be specified. Substituted for the words 'State Government' by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968' 1949 • East Pb. Act 11 CONTROL OF BRICKS 361 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

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 respect of which the Court is satisfied that the order has been contra- venedor such part of it as the Court may deem fit shall be forfeited to 1[Government]

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

8. Ifthe person contravening an order made under Offences by section 3 is a, company or other body corporate, every potations.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 the guilty of such contravention

9. If any person—False Statement. (i) when required by any order made under sec- tion 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 reason- able 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 ; iSubstitutedtorthowords "His 1950. 362 CONTROL OF BRICKS [1949 .t East Pb. Act SUPPLIES he shall be punishable 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 • Cognizance of offence.cognizable

11. Any Magistrate or Bench of Magistrates em.Powers to try powered for the time being to try in a summary way the offences summarily. offences specified in sub-section (1) of section 260 of 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. 12. (1) No order made in exercise of any power con. Presumption as to orders. ferred by or under this Act shall be called in question in any court. (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. of Protection 13. (1) No suit, prosecution or other legal proceed• action taken under ing shall lie against any person for anything which is in the Act. 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. tSubstitutedfor the word "Crown" by the Adaptation of Laws Order, 1950'