

The East Punjab Control of Bricks Supplies Act, 1949

(East Punjab Act No.1 of 1949)

Received the assent of his Excellency the Governor of East Punjab on the 21st March, 1949, and was first published in the East Punjab Gaette Extraordinary, dated the 25th March, 1949.

An Act to control bricks supplies in [Punjab] [Haryana]

Herby enacted as follows :-

Statement of Objects and Reasons: - Owing to inadequate suppliers and heavy demand of bricks in East Punjab, the brick kiln owners are exploiting the situation and charging exorbitant prices from the public. In the prevailing conditions there is no likelihood of any improvement in the situation in the near future and unless power is taken by legislation to regulate the price and distribution of available supply it would be difficult to prevent the commodity from getting into the black market and being sold at excessive prices. The Bill is designed to provide for control over the distribution and supply of bricks with a view to securing the equitable distribution of bricks to the public and at reasonable prices. (Vide East Punjab Government Gazette extraordinary, dated 28th February, 1949)

1. **Short title and extent:** - (1) this Act be called the East Punjab Control of bricks supplies Act, 1949

(2) It extends to the whole of the [State] of [Punjab] [Haryana]

2. **Definitions:** - 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 bricks; and
- (c) Dealer means any person who deals in bricks or holds stocks of bricks for sale and includes his representative or agent.

3. **Power to control supply, distribution or consumption of bricks:** -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 licenses, 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 the 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 authorized 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 document and the charging of fees therefore.
4. **Delegation of power:** - 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 matters 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.
5. **Effect of orders inconsistent with other enactment:** - any order made under section 3 shall have effect notwithstanding anything inconsistent there with contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.

- 6 **Penalties:** - if any person contravenes any order made under Section 4 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 [government]
- 7 **Attempts and abetments:** - any person who attempts to contravene or abets a contravention of any order under Section 3 shall be deemed to have contravened that order.
- 8 **Offences by corporation:** - if the person contravening an order made under Section 3 is a company or other body corporate, every Director, Manager, Secretary 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 **False statement:** - if any person: -

i. When required by any order under Section 3 to make any statement of or furnishes any information which is false in any material particular and 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

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

10 **Cognizance of offence:** - an Offence committed under this Act shall be cognizable.

11 **Power to try offences summarily:** - Any Magistrate or Bench of Magistrates empowered 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,(V of 1898), may, on application in this behalf made by the prosecution try in accordance with the provisions contained in Section 262 to 265 of the said Code any offence punishable under this Act.

12 Presumption as to orders: -

(1) No order made in exercise of any power conferred 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 (1 of 1872), presume that such order was so made by the authority.

13 Protection of action taken under the Act :-

(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 [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.