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[Extract from the Haryana Government Gazettee, (Extraordinary), dated the 24 March, 1972]

THE HARYANA CONTROL OF BRICKS SUPPLIES ORDER, 1972.

PART III

HARYANA GOVERNMENT

FOOD AND SUPPLIES DEPARTMENT

Notification

The 24th March, 1972.

No. G.S.R. 57/P.A.1/49/S.3/72. - Whereas the State Government are of the opinion that it is necessary so to do for securing the proper distribution and availability of bricks at reasonable prices.

Now, therefore, in exercise of the powers conferred by section 3 of the East Punjab Control of Bricks Supplies Act, 1949 (East Punjab Act No. I of 1949), and all other powers enabling him in this behalf, the Governor of Haryana hereby makes the following order, namely :-

1. (i) This order may be called the Haryana Control of Bricks Supplies Order, 1972.

(ii) It extends to the whole of the State of Haryana.
2. In this order unless the context otherwise requires,-
 - (a) "manufacture" means a person engaged in the production or manufacture of bricks in a kiln ;
 - (b) "consumer" means a person permitted to acquire bricks under this Order for consumption and not for sales ;
 - (c) "Director" means the Director, Food and Supplies , and includes Additional Director Food Supplies, Joint Directors, Food and Supplies, Under Secretary, Food and Supplies, and Deputy Director, Food and Supplies ;

(d) "District Magistrate" means the District Magistrate of the District and includes the District Food and Supplies Controller, District Food and Supplies Officer and Assistant Food and Supplies Officer ;

(e) "Inspector" means Inspector, Food and Supplies, and includes Sub-Inspector, Food and Supplies.

3. Save as hereinafter provided no manufacturer shall manufacture or sell or offer to store for sale or have in his possession for the purpose of sale or for disposal in any other manner or deposit with or consign to any person for the purpose of sale or for storage for sale, bricks except under and in accordance with the conditions of a licence granted under this Order :

"Provided that no licence shall be required for manufacture of bricks in Maidani Bhatties if such bricks are manufactured for the personal consumption of the manufacturer, and if bricks are sold, the sale does not exceed Rs. 45,000.00 per annum by a single Unit."

Explanation – "Maidani Bhatti" (awa) means a structure used for firing bricks in which neither a chimney is used nor slack coal is consumed as fuel.

4. (i) Every person who is a manufacturer at the commencement of this Order shall obtain a licence within fifteen days of such commencement.
- (ii) All applications for the grant of licence shall be made to the District Magistrate in form "A" appended in this Order.
The application shall be accompanied with a certificate of having taken mining on lease for extraction of minor mineral (i.e. ordinary clay) for moulding bricks as required under the Mines and Minerals (Regulation and Development) Act, 1957.

(Sub Clause (iii) of Clause 4 amended vide notification dated 15-9-2008)

“(iii) The District Magistrate may grant or renew or refuse to grant or refuse to renew a license for reason to be recorded in writing, provided that site of the Kiln is situated at distances not less than those indicated below:-

Category	Distance	Measurement of Distance	Maximum relaxation if any, to be allowed under clause 21.
1 (a) By pass (b) Scheduled roads (c) Other district pucca road (d) Village link road	2 (a) 100 meters (b) 30 meters (c) 30 meters (d) 30 meters	3 Distance is to be measured from the nearest edge of the road reservation.	4 (a) Not relaxable (b) Not relaxable (c) Not relaxable (d) Not relaxable
(e) Municipal limits for A and B class cities and C class cities/town	A Class- 3 kilometer B Class- 2 kilometer C Class- 800 meters	Distance is to be measured as the crow flies from the nearest portion of the Municipal limits.	(e) Maximum upto 20% each
(f) Village abadi	800 meters	Distance is to be measured as the crow flies from the nearest portion of the outer edge of Phirni and where there is no Phirni the distance is to be measured from the outer edge of the Abadi.	(f) Maximum upto 20%
(g) School/Dispensary and Hospital (h) Other Educational and Public Utility Institutions (i) Public Park	One kilometer each.	Distance is to be measured as the crow flies from the nearest portion of the boundary line/ wall.	(g) Maximum upto 20% (h) Maximum upto 20% (i) Maximum upto 20%
(j) Garden/Nursery/ Forest Nursery (k) Reserve Forest	East-West and North-South One kilometer each.	Distance is to be measured as the crow flies from the nearest boundary line, wall of the institution.	(j) Maximum upto 10% (k) Maximum upto 10%
(l) Electricity Transmission Lines (not less than 220 kilowatt)	600 meter (on both sides from the transmission line)	Distance is to be measured as the crow flies from the nearest transmission line	(l) Maximum upto 20%

Explanation.- 1. Garden- (A garden shall be considered as such only if it has an area of atleast one acre and having 35 fruit trees of the age of minimum one year and in support of this, entries should exist in the revenue records).

2. Nursery/Forest Nursery (A Nursery/Forest Nursery shall be considered as such only, if it has an area of one kanal where fruit or other plants are reared for sale or plantation).

Note:- All distances should be reckoned with reference to nearest outer edge of the vessel of the kiln on which side the specified distances are to be determined:

Provided that the District Magistrate may renew a licence of such brick kiln owner whose brick kiln is already functioning or operating at a distance less than those specified above:

Provided further that before suspending or revoking a licence a reasonable opportunity of being heard shall be afforded to the person concerned:

Provided further that no licence shall be granted unless the person making an application for the grant of licence undertakes to procure clay/brick earth for the manufacture of bricks from the village pond. The District Magistrate may, however, dispense with this undertaking if he is satisfied that either there is no pond in the area nearby where the brick kiln is proposed to be set up or clay from such pond is not suitable for manufacture of brick.

Explanation.- „scheduled road“ shall have the same meaning as is assigned to it in the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (Punjab Act 41 of 1963).”

(iv) If the licensee transfers his licence or the kiln, with respect to which the licence has been granted, to any other person without the previous permission in writing of the authority which granted the licence or contravenes any provision of this order or the licence, the District Magistrate may for reasons to be recorded in writing suspend or revoke the licence :
Provided that before suspending or revoking a licence a reasonable opportunity of being heard shall be afforded to the person concerned.

5. Every manufacturer whose licence has been cancelled or suspended or not renewed shall dispose of his stocks of bricks to such person as may be specified by the District Magistrate in the order canceling, suspending or refusing to renew the licence.

6. Every licence shall be in form “B” appended to this Order.

7. A fee of Rs. 2000.00 per year shall be payable to the Government for a license granted under this order. The licence may be granted up to five years at any time. In the event of licence being lost or destroyed, duplicate shall be issued on a payment of Rs. 200.00.

8. (i) Every manufacturer shall take out a licence in respect of every place at which he manufactures bricks or carries on his business, the licence granted under this order shall, unless previously suspended or revoked, shall be valid for the period for which it was granted, provided that the first year shall be deemed to be conterminous with the following 31st March. The licence shall be renewable for a period of one year to five years on application by the licensee to the District Magistrate which shall be made

before the expiry of the validity period of the licence and on payment of a fee at the rate of Rs. 2000.00 per year. In case during the intervening period the limits of the municipality are changed or the area is declared as controlled area or some school or college is located in the close proximity of the site of the kiln, the District Magistrate may revoke the licence at any time for reasons to be recorded in writing. The District Magistrate may also revoke the licence, if a manufacturer fails to obtain "No Dues Certificate" from the Mining Officer or Assistant Mining Engineer of department of Mines and Geology, Haryana, within their respective jurisdiction regarding payment of royalty on brick earth a minor mineral used for manufacture of bricks as prescribed under the Punjab Mineral Concession Rules, 1964.

Provided that before revoking a licence a reasonable opportunity of being heard shall be afforded to the licensee:

"Provided further that if due to development and planning of the City, the closing of the kiln is considered essential in public interest, the District Magistrate may order the closure of the kiln, after giving a notice of six months or till 30th June of that year, whichever is later, to the licensee."

(ii) If a licensee fails to apply for renewal before the expiry of the validity period, but does so within one month after the expiry of the validity period, he shall in addition to the renewal fee have to pay a penalty of Rs. 500.00.

(iii) If a licensee fails to apply for renewal within two months of the expiry of the validity period he shall in addition to the renewal fee have to pay of Rs. 1000.00.

(iv) If a licensee fails to apply for renewal within three months of the expiry of the validity period he shall in addition to the renewal fee have to pay a penalty of Rs. 1250.00.

(v) A licence for which no application for renewal is made within three months of the expiry of the validity period the same shall be treated as to have been cancelled.

Provided that if the licencing authority is satisfied that for sufficient reasons, the licensee could not apply for renewal of his licence, the same may be renewed on payment of the penalty of Rs. 2500.00 in addition to the renewal fee."

(vi) No licensee, the period of validity of whose licence has expired shall be entitled to carry on his business in bricks unless :-

(a) He has applied for renewal of his licence and paid the requisite fee before the expiry of the validity period of his licence ; or

(b) He has applied for renewal of his licence and deposited the renewal and penalty fee within 3 months after the expiry of validity period of his licence ; or

(c) His licence has been actually renewed.

9. Deleted. (Vide notification dated 1.3.2007)
10. Deleted. (Vide notification dated 1.3.2007)
11. No manufacturer or dealer shall act in contravention of any directions issued by the Director or District Magistrate.
12. Deleted. (Vide notification dated 1.3.2007)
13. Deleted. (Vide notification dated 1.3.2007)
14. Deleted. (Vide notification dated 1.3.2007)
15. Deleted. (Vide notification dated 1.3.2007)
16. Deleted. (Vide notification dated 1.3.2007)
17. Every manufacturer shall when so required by general or special directions by the Director or District Magistrate to furnish truthfully and to the best of his knowledge such particulars relating to his kiln dealing in bricks and stocks thereof as required.
18. (i) Every manufacturer shall deposit security of Rs. 5000.00 with the Licensing Authority for due fulfillment of the terms and conditions of this Order and Licence. The security shall be in the forms of National Saving Certificates etc. duly pledged to the Licensing Authority.
(ii) If the manufacturer contravenes any of the provisions of this Order or conditions of his licence then without prejudice to any other action which may be taken against him, the District Magistrate may direct by order in writing that his security shall be forfeited in whole or in part.
19. Any manufacturer aggrieved by the order of the District Magistrate passed under any of the provisions of this Order, may file an appeal to the Director within a period of 30 days from the date on which the order is communicated to him.
20. The State Government may call for and examine the records of any proceedings or orders passed by the Director or by the District Magistrate under this Order for the purpose of satisfying itself as to the legality or propriety of any order made therein and may confirm, modify, suspend or rescind such orders.

Clause 21 amended vide notification dated 15-9-2008)

21. **Power to exempt.**- The State Government may exempt any person or class of persons from the operation of all or any of the provisions of this order subject to the provisions of sub clause (iii) of clause 4 as may be specified in order and may at any time suspend or rescind such exemption”.

22. The Punjab Control of Bricks Supplies Order, 1956, is hereby repealed :

Provided that anything done or any action taken under the order so repealed shall if not inconsistent with the provisions of this order, be deemed to have been done or taken under the corresponding provisions of this order.

NARESH GULATI,
Financial Commissioner and Principal Secretary to Govt.
Haryana, Food and Supplies Department.

FORM 'A'

THE HARYANA CONTROL OF BRICKS SUPPLIES ORDER, 1972

Applications for a licence under clause 4 of Haryana Control of bricks Supplies Order, 1972.

To
The District Magistrate,
.....

I hereby apply for the grant of licence of manufacture, sell or supply bricks at (here mention the address of the place of business).....

2. I give below the particulars of my brick-kiln :-

- (a) Name and Address of actual kiln-owner
- (b) Name of leasee, if any, specifying if the kiln has been leased by the Rehabilitation Department to a refugee or a local man.
- (c) Name parentage and address of the applicant (in block letters) specifying whether he falls in category (a) or (b) above.
- (d) Address and details of the location :-
 - (i) Kiln .
 - (ii) Premises other than kiln (if any) where bricks are stocked or business is carried on.
- (e) The period for which the licence is required

3. I have deposited the licence fee of Rs. in the Treasury, - vide Treasury Challan No.dated enclosed.

"3A I/We certify that I/We have obtained quarrying permit in form "KI" as required under the Punjab Mineral Concession Rules, 1964, from the Mining Officer or Assistant Mining Engineer of the Mines and Geology Department, Haryana, and will not dig out the kiln vessel and also will not install chimney there on till permission for the same is granted by the District Magistrate."

I hereby declare that all the particulars given on this form are correct.

Signatures and address of applicant.

Dated

Note - Description of 'Brick' according to clause 2(A) of the East Punjab Control of Bricks Supply Act, 1949, is as under:-

'Bricks' means any piece of burnt clay having a geometrical shape fired in a kiln.