

LEGISLATIVE DEPARTMENT NOTIFICATION
THE 25TH MARCH, 1949

NO. 14-Leg/49- The following Act of the Provincial Legislature received the assent of His Excellency, the Governor of East Punjab on the 21st March, 1949 and is hereby published for general information:-

THE

(EAST PUNJAB ACT NO. 1 OF 1949)

An act to control brick supplies in East Punjab.

It is hereby enacted as follows:-

1. Short title and extent:

- (1) This Act may be called the East Punjab Control of Bricks Supplies Act, 1949;
- (2) It extends to the whole of the Province of East Punjab .

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 firing bricks and
- (c) 'dealer' means any person who deals in bricks and stocks of bricks for sale and include his representative.

3. Power to control supply, distribution or consumption of Bricks:

The provincial 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 shortage distribution, transport, acquisition, disposal, manufacture and consumption of bricks;
- (b) for controlling the prices at which bricks may be brought 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 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 for issue of license/permits or other documents and the charging of fees therefore.

4. Delegation of powers:

The Provincial 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 Provincial Government as may be specified in the order.

5. Effect of order in consistent with other enactments.-

Any order made under Section 3 shall have effect notwithstanding any thing in consistent 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. Penalties:

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 provided, 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 His Majesty.

7. Attempt and abetments.-

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

8. Offence by Corporations:

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.

9. False statement:-

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 documents 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 both.

10. Cognizance of offences:

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 summary way the offences specified in sub-section (I) 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. 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) there 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.

13. Protection of action taken under the Act:

(1) No suit, prosecuting or other Legal Proceeding shall lie against any persons 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 crown for pay 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.

sd/-

KARTAR SINGH CHAWLA
DEPUTY SECRETARY TO GOVERNMENT, EAST PB. ,
LEGISLATIVE DEPARTMENT