

The East Punjab Control of Bricks Supplies Act, 1949

East Punjab Act 1 of 1949

CONTENTS

Sections

1. Short title and extent
2. Definitions
3. Power to control supply, distribution or consumption of bricks
4. Delegation of powers
5. Effect of orders inconsistent with other enactments
6. Penalties
7. Attempts and abetments
8. Offences by corporations
9. False statement
10. Cognizance of offences
11. Power to try offences summarily
12. Presumption as to orders
13. Protection of action taken under the Act

LEGISLATIVE HISTORY

1.	Amended in part by the Adaptation of Laws Orders, 1950.
2.	Amended in part by the Adaptation of laws (Third Amendment) Order, 1951
3.	Extended to Pepsu territory by Punjab Act 5 of 1957.

Published in the East Punjab Gazette Extraordinary, dated the 25th March, 1949

An Act to control bricks supplies in ¹[Punjab]
It is hereby enacted as follows :-

NOTE

Statement of Objects and Reasons. - Owing to inadequate supplies 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 markets 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.** - (i) This Act may be called the East Punjab Control of Bricks Supplies Act, 1949.
2. It extends to the whole of the ²[State] of ³[Punjab].

¹ substituted for the word "East Punjab" by the Adaptation of Laws (Third Amendment) Order, 1951

2. **Definitions.** - In this Act, unless there is anything repugnant in the subject or context:-
 - (a) 'Brick' means any piece of burnt clay having 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 representative or agent.
3. **Powers to control supply, distribution or bricksption of bricks.** - The ¹[State] Government in so far as it appears to it to be necessary or expedient for controlling the supply of

bricks or for securing 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 of bricks;
- (b) for controlling the prices at which bricks may be brought or sold;
- (c) for collecting any information or statistics with the view to the regulating of 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 documents and the charging of fees therefore.

4. **Delegation of Powers.** – The ²[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 ³[State] Government as may be specified in the order.

5. **Effect of orders inconsistent with other enactments.** – Any order made under section 3 shall have effect notwithstanding, any thing 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. **Penalties.** – If any person contravenes any order made under section 3 he shall be punishable with imprisonment for a term which extend to three years or with fine or with both. And if the order so provides, any Court trying such contravention may direct that the order has been contravened or such part of it as the court may deem fit shall be forfeited to ⁴[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.

¹ substituted for the word "Province" by the Adaptation of Laws (Third Amendment) Order, 1951

² substituted for the word "Last Punjab" by the Adaptation of Laws Order, 1950

¹ substituted for the word "Provincial" by the Adaptation of Laws Order, 1950

² substituted for the word "Provincial" by the Adaptation of Laws Order, 1950

³ substituted for the word "Last Punjab" by the Adaptation of Laws Order, 1950

⁴ substituted for the word "His Majesty" by the Adaptation of Laws Order, 1950

8. **Offences by corporations.**– If the person contravening an order made under section 3 is a company or other body corporate, every Director, Manager, secretary, other office 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 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.

(6)

11. Powers 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 subsection (1) of section 260 of the Code of Criminal Procedure, 1899 (V of 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.

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 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.

¹ substituted for the word "Crown" by the Adaptation of Laws Order, 1950

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 licence/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 not withstanding 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 courts satisfied that the order has been contravened or such part of it as the court may deem fit shall be for-feited to His Majesty.

7. Attempt and actments.-
Any person who attempt 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 thereto 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 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 orders:
(1) No order made in exercise of any power conferred by or under this Act shall be called in question in any court.

9

(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.

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