

Himachal Pradesh Bricks (Control) Act, 1969

29 of 1969

CONTENTS

1. Short Title And Extent
2. Definitions
3. Powers To Control Manufacture, Storage, Distribution Etc. Of Bricks
4. Delegation Of Powers
5. Effect Of Orders Inconsistent With Other Enactments
6. Provisions Of Sections 102 And 103 Of The Code Of Criminal Procedure To Apply To Search And Seizure
7. Penalties
8. Attempts And Abetments
9. False Statements
10. Offences By Companies
11. Cognizance Of Offences
12. Power To Try Offences Summarily
13. Presumption As To Orders
14. Protection Of Action Taken Under This Act
15. Repeal And Savings

Himachal Pradesh Bricks (Control) Act, 1969

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AN ACT to regulate the manufacture, storage, distribution transport acquisition and disposal of bricks in the Union territory of Himachal Pradesh and for matters connected therewith. Be it enacted by the Legislative Assembly of Himachal Pradesh in the Twentieth Year of the Republic of India as follows:-

1. Short Title And Extent :-

- (1) This Act may be called the Himachal Pradesh Bricks(Control)Act,1969.
- (2) It extends to the whole of the Union territory of Himachal Pradesh.

2. Definitions :-

In this Act, unless the context otherwise requires-

- (a) Brick means any piece of burnt clay fired in kiln and having a geometrical shape;
- (b) dealer means any person who is engaged in the business of buying or selling, or otherwise dealing in, bricks and includes his representative or agent;
- (c) Government means the Administrator of the Union territory of Himachal Pradesh;
- (d) kiln means a structure used for burning bricks;
- (c) Official Gazette means the Rajpatra, Himachal Pradesh.

3. Powers To Control Manufacture, Storage, Distribution Etc. Of Bricks :-

If the Government is of opinion that it is necessary or expedient so to do for maintaining or increasing the supply of bricks or for securing their equitable distribution and availability at fair prices, it may by order notified in the Official Gazette, provide-

- (a) for regulating by licenses, permits or otherwise the manufacture, storage distribution, transport, acquisition or disposal of bricks;
- (b) for collecting any information or statistics with a view to regulating of the aforesaid matters;
- (c) for the grant or issue of licenses, permits or other documents and the charging of fees therefore;
- (d) for controlling the prices at which bricks may be brought or sold;
- (e) for requiring dealer 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;
- (f) for any incidental and supplementary matters including a particular the entering and search of premises and vehicles and the seizure by a person authorised relating to make such search of the bricks in respect of which such person has reason to believe that contravention of any other made under this Act has been, is being or is about to be committed.

4. Delegation Of Powers :-

The Government may, by order notified in the Official Gazette, direct that the power to make order 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 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 anything inconsistent therewith contained in any enactment other than this Act or any instrument having effect by virtue of any.

6. Provisions Of Sections 102 And 103 Of The Code Of Criminal Procedure To Apply To Search And Seizure :-

The provisions of sections 102 and 103 of the Code of Criminal Procedure, 1898, relating to search and seizure shall, so far as any be, apply in relation to every seizure made in the course of such search.

7. Penalties :-

If any person contravenes any order made under section 3.

(a) he shall be punishable with imprisonment for a term which may extend two or three years, or with fine, or with both;

(b) any property in respect of which the order has been contravened or such part thereof as the Court may deem fit shall be forfeited to the Government.

Provided that if the court is of opinion that it is not necessary to direct forfeiture in respect of the whole or as the case may be, any part of property, it may, for reasons to be recorded refrain from doing so.

8. Attempts And Abetments :-

Any other person who attempts to contravene, or abets a contravention of, any order made under section 3 shall be deemed to have contravened that order.

9. False Statements :-

If any person,-

(i) when required by any order 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 accounts, records, 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. Offences By Companies :-

(1) If the person contravening an order made under section 3 is a company, every person who, at the time the contravention was committed, was in charge, be liable to be proceeded against and punished accordingly; for the conduct of the business of the company as well as the company: Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention.

(2) Notwithstanding anything contained in sub-section(1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company such director, manager, secretary or other officer shall also be deemed to be guilty of that offence shall be liable to be proceeded, against and punished accordingly.

Explanation.- For the purposes of this section-

(a) company means any body corporate and includes a firm or other association of individual;

(b) Director in relation to a firm means a partner in the firm.

11. Cognizance Of Offences :-

Notwithstanding anything contained in the Code of Criminal Procedure, 1898(5 of 1898), every offence punishable under this Act shall be cognizable.

12. Power To Try Offences Summarily :-

Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (5 of 1898), any Magistrate or Bench of Magistrate empowered for the time being to try in a summary way the offences specified in sub-section (1) of section 260 of the said Code any, on application in this behalf made by the prosecution, try

in accordance with the provisions contained in sections 262 Or 265 of the said Code any offence punishable under this Act.

13. Presumption As To Orders :-

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 presume that such order was made by that authority within the meaning of the Indian Evidence Act, 1872 (1 of 1872).

14. Protection Of Action Taken Under This Act :-

(1) No suit, prosecution or other legal proceeding, shall lie against any person for anything which is in good faith or intend 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.

15. Repeal And Savings :-

(1) The East Punjab Control of Bricks Supplies Act, 1949 (1 of 1949) as in force in the territories transferred to the Union Territory of Himachal Pradesh by sub-section (1) of section 5 of the Punjab Re-organisation Act, 1966 (31 of 1966) is hereby repealed.

(2) Notwithstanding such repeal, any order made under the Act hereby repealed and in force immediately before the commencement of this Act shall be deemed to have been made under this Act and shall, in so far as it is not inconsistent with the provisions of this Act, continue in force and accordingly any appointment made, license or permit granted or direction issued under any such order and in force immediately before such commencement shall continue in force immediately before such commencement shall continue in force until and unless it is superseded by any appointment made, license or permit granted or direction issued under this.