

## THE HIMACHAL PRADESH BRICKS (CONTROL) ACT, 1969

### ARRANGEMENT OF SECTIONS

Sections:

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.

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## THE HIMACHAL PRADESH BRICKS (CONTROL) ACT, 1969

(ACT NO. 29 OF 1969)<sup>1</sup>

(Received the assent of the President of India on the 14<sup>th</sup> December, 1969 and was published in R. H. P. Extra., dated the 6<sup>th</sup> February, 1970, at p. 30-33.)

**An Act to regulate the manufacture, storage, distribution, transport, acquisition and disposal of bricks in the [State of Himachal Pradesh]<sup>2</sup> and for matters connected therewith.**

*Amended, repealed or otherwise affected by,---*

A. O. 1973, published in R. H. P. Extra., dated the 20<sup>th</sup> January, 1973, at p. 91-112.

**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 <sup>3</sup>[State of Himachal Pradesh].

**2. Definitions.**- In this Act, unless the context otherwise requires,-

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1. For Statement of Objects and Reasons, see R. H. P. Extra., dated the 24<sup>th</sup> March, 1969, P. 250. For Authoritative Hindi text see R. H. P. Extra., dated 24-10-1987, P. 2129.  
2. Subs. for the words "Union Territory of Himachal Pradesh" by A. O. 1973.  
3. Subs. for the words "Union Territory of Himachal Pradesh" by A. O. 1973.

- (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) <sup>1</sup>[XXXXXXXXXXXXXXXXXXXXX]
- (d) "kiln" means a structure used for burning bricks;
- (e) "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 licences, permits or otherwise the manufacture, storage, distribution, transport, acquisition or disposal of bricks;
- (b) for collecting any information or statistics with a view to the regulating of the aforesaid matters;
- (c) for the grant or issue of licences, permits or other documents and the charging of fees therefor;
- (d) for controlling the prices at which bricks may be bought or sold;
- (e) 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; and
- (f) for any incidental and supplementary matters including in particular the entering and search of premises and vehicles and the seizure by a person authorised 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.

**4. Delegation of powers.-** The Government may, by order notified in the Official 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 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 enactment other than this Act.

**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 (5 of 1898) relating to search and seizure shall, so far as may be, apply in relation to every search made in pursuance of any order made under this Act and 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 to three years, or with fine, or with both;

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1. The definition of "Government" omitted vide A.O, 1973.

- (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 the property, it may, for reasons to be recorded, refrain from doing so.

**8. Attempts and abetments.**-Any 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 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, accounts, 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 with 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 incharge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

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 and 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 individuals;
- (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 Magistrates 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 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.

**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 proceedings 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 proceedings 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 <sup>1</sup>[the State of Himachal Pradesh] by sub-section (1) of section 5 of the Punjab Reorganisation 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, licence or permit granted or direction issued under any such order and in force immediately before such commencement shall continue to be in force until and unless it is superseded by any appointment made, licence or permit granted or direction issued under this Act.

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1. Subs. for words "Union Territory of Himachal Pradesh" by A. O. 1973.