

Instructions issued under Clause 4(ii) of the Punjab Control of Bricks Order, 1972

PUNJAB

India

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Rule

INSTRUCTIONS-ISSUED-UNDER-CLAUSE-4-II-OF-THE-PUNJAB-CONTROL-OF-1972

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Instructions issued under Clause 4(ii) of the Punjab Control of Bricks Order, 1972Published vide Notification Punjab Government Gazette Legislative Supplement Part 3, dated, 29.10.1976

1.

A person desirous of starting a brick kiln shall apply for the issue of a licence to the District Magistrate in the prescribed proforma appended to the aforesaid order.

2.

The licence shall be granted subject to the following conditions:-(a)Brick kiln shall not be installed -(i)Within the radius of 750 metres from the residential areas, in cities mentioned in the schedule and 500 metres from the residential areas in other towns/villages.Explanation : The radius from the residential area shall be determined from the revenue record (Lal Lakeer) or the Municipal Limits whichever is near shall form the basis for measuring the distance :-(ii)[700 metres from Mango Orchard or Mango Plantation and 100 metres from a garden or nursery.] [See Punjab Government notification published in Punjab Government Gazette Legislative Supplement Part III, dated 24.7.1981.]Explanation. - The distance from Mango Plantation, Mango Orchard, Garden, or Nursery shall be determined from the vessel of the kiln. -(i)"Garden" means a piece of land measuring one acre (0.4 Hectare) or above, on which fruit trees are grown and "Nursery" means a piece of land measuring one Kanal (0.1 Hectare) or above where plants are reared for sale for transplantation.(ii)"Mango Orchard" means 18 mango trees.(iii)"Mango Plantation" means half acre

of land under any king of mangoes].(b)No licence shall be issued in the name of a person whose licence has been cancelled earlier for contravention of the provisions of the aforesaid Order or who has been convicted under section 7 of the Essential Commodities Act, 1955 or section 6 of the East Punjab Control of Bricks Supplies Act, 1949 or contravention of any Order under Rule 114 of the Defence of India Rules.(c)No licence shall be granted in the name of a minor person unless two major working partners are included in the prospective licensee firm. An affidavit shall be obtained from the applicant to the effect that he has no other licence nor he has any partnership rights in any other brick kiln.(d)A person to whom a brick kiln licence is issued shall not be allowed to set up his kiln adjoining the land of the other kiln (this implies that the prospective brick kiln owner shall set up his/her kiln at such site in his/her land that the periphery of such brick kiln does not touch the land of the neighbouring kiln).

3.

The licensing authority shall satisfy itself before granting the licence that the new kiln does not:(i)contravene the provisions of the Master Plan prepared by the Town and Country Planning Department;(ii)go against the restrictions laid in the Development Plan of the controlled areas;(iii)lie within 100 metres of a scheduled road or a State highway. The distance of 100 metres shall be calculated from the centre line of the Scheduled road as specified in schedule of Roads notified by the Town and Country Planning Department;(iv)go against any development proposal or restrictions of a special area issued by the Government or the Town and Country Planning Department or by the Local Bodies from time to time.

4.

The conditions laid down in clauses 2 and 3 above shall not apply in respect of the licences already issued for kilns in operation except that clauses 2(a) and (b) and 3 shall apply at the time of shifting of kiln site by old licensees.

5.

The licence issued under the Order shall not be renewed if the Brick Kiln Owner is a defaulter in the payment of fee, security or in the payment of fines or forfeited amount of security or delivery of bricks on permits issued by the licensing authority in respect of coal allotted by the Food and Supplies Department, or Coal supplies by the P.W.D., or Housing Board or by any other Government Department/Public Sector undertaking or Semi-Government undertaking.

6.

Before a licence is renewed, it shall be necessary for the applicant to satisfy the Licensing Authority that the kiln was in operation for at least once in the previous year.

7.

The power to relax any of these conditions shall vest with the State Government in the Food and Supplies Department.

Schedule

1. Amritsar

2. Bhatinda

3. Jullundur

4. Ludhiana

5. Patiala

6. Pathankot

7. Sahib-Zada Ajit Singh Nagar (Mohali)