

Haryana Control of Bricks Supplies Order, 1972

HARYANA

India

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Rule HARYANA-CONTROL-OF-BRICKS-SUPPLIES-ORDER-1972 of 1972

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Haryana Control of Bricks Supplies Order, 1972Published vide Haryana Act notification No. G.S.R. 57/P.A. 1/49 dated 24.3.1972.Haryana Government Food and Supplies DepartmentNo. G.S.R. 57/P.A.1/49/S.3/72. - Whereas the State Governments are of the opinion that it is necessary so to do for securing the proper distribution and availability of bricks at reasonable prices.Now, therefore, in exercise of the powers conferred by Section 3 of the East Punjab Control of Bricks Supplies Act, 1949 (East Punjab Act No. 1 of 1949) and all other powers enabling him in this behalf, the Governor of Haryana hereby makes the following order, namely :-

1.

(i)This order may be called the Haryana Control of Bricks Supplies Order, 1972.(ii)It extends to the whole of the State of Haryana.

2.

In this order unless the context otherwise requires, -(a)"manufacturer" means a person engaged in the production or manufacture of bricks in a kiln;(b)"consumer" means a person permitted to acquire bricks under this Order for consumption and not for sale;(c)"Director" means the Director, Food and Supplies, and includes [Additional Director, Food and Supplies] [Inserted vide Haryana Notification dated 26.9.1988.] Joint Directors, Food and Supplies, Under Secretary, Food and Supplies and Deputy Director, Food and Supplies.(d)"District Magistrate" means the District Magistrate of the District and [Sub Divisional Magistrate] [Inserted vide Haryana Notification dated 7.7.1972.] includes the District Food and Supplies Controller, District Food and Supplies Officer and Assistant Food and Supplies Officer.(e)"Inspector" means Inspector, Food and Supplies and includes Sub-Inspector, Food and Supplies.

3.

Save as hereinafter provided no manufacturer or dealer shall manufacture or sell or offer to store for sale or have in his possession for the purpose of sale or for disposal in any other manner or deposit with or consign to any person for the purposes of sale or for storage for sale, bricks except under and in accordance with the conditions of a licence granted under this Order :Provided that no licence shall be required for manufacture of bricks in Maidani Bhatties if such bricks are manufactured for the personal consumption of the manufacturer.Explanation - "Maidani Bhatti" (awa) means a structure used for firing bricks in which neither a chimney is used nor slack coal is consumed as fuel.

4.

(i)Every person who is a manufacturer or dealer at the commencement of this Order shall obtain a licence within fifteen days of such commencement.(ii)All applications for the grant of licence shall be made to the District Magistrate in form "A" appended to this Order. ["The application shall be accompanied with a certificate of having taken mining on lease for extraction of minor mineral (i.e. ordinary clay for moulding bricks as required under the Mines and Minerals (Regulation and Development) Act, 1957.] [Inserted vide Haryana Government Notification dated 27.4.1985.](iii)[The District Magistrate may grant or renew or refuse to grant or renew a licence for reasons to be recorded in writing, provided the site of the kiln is situated at distances not less than those indicated below] [Substituted vide Haryana Government Notification dated 1.6.1992.] :-

| | | |
|--|---------------|--|
| (a) By-pass | 100 metres | Distance is to be measured form the nearest edge of the roadreservation. |
| (b) Scheduled Road | 30 metres | Ditto |
| (c) Other District Pacca Road | 30 metres | Ditto |
| (d) Village Link Road | 30 metres | Ditto |
| (e) Municipal limit for 'A' Class Cities | 3 Kilometres | Distance is to be measured as the crow flies from the nearestportion of the Municipal limits. |
| Municipal limit for 'B' Class Cities | 2 Kilometres | Ditto |
| Municipal limit for 'C' Class Cities | 1 Kilometre | Ditto |
| (f) Village Abadi | One Kilometre | Distance is to be measured as the crow flies from the nearestportion of the outer edge of 'Phirni' and where there is no'Phirni' the distance is to be measured from the outer edge ofAbadi. |
| (g) School/Dispensary and Hospital | One Kilometre | Distance is to be measured as the crow flies from the nearestportion of the boundary line/wall. |
| (h) | One Kilometre | |

| | | |
|--|---|---|
| Other Educational and Public Utility Institution | | Distance is to be measured as the crow flies from the nearest boundary line, wall of the institution. |
| (i) Public Park | One Kilometre | Distance is to be measured as the crow flies from the nearest boundary. |
| (j) Garden/Nursery/Forest Nursery | East-West and North-South One Kilometre | Distance is to be measured as the crow flies from the nearest boundary. |

Explanation - (1) Garden. (A garden shall be considered as such only if it has an area of atleast one acre and having 35 fruit trees of the age of minimum one year and in support of this entries should exist in the revenue records). (2) Nursery/Forest Nursery. (A Nursery/Forest Nursery would be considered as such only, if it has an area of one Kanal where fruit or other plants are reared for sale or plantation).

| | | |
|--|--|---|
| (k) Reserve Forest | Two Kilometres | Reserve Forest declared by the Government. |
| Electricity transmission Lines. (not less than 220 KV) | 500 metres (On both sides from the transmission lines) | Distance is to be measured as the crow flies from the nearest transmission lines. |

[Note :- All distances should be reckoned with reference to nearest outer edge of the vessel of the kiln on which side the specified distances are to be determined.] [Note substituted vide Haryana Government Notification dated 27.5.1996.] Provided that the District Magistrate may renew a licence of such brick kiln owner whose brick kiln is already functioning or operating at a distance less than those specified above : Provided further that before suspending or revoking a licence a reasonable opportunity of being heard shall be afforded to the person concerned : [Provided further that no licence shall be granted unless the person making an application for the grant of licence undertakes to procure clay/brick earth for the manufacture of bricks from the village pond. The District Magistrate may, however, dispense with this undertaking if he is satisfied that either there is no pond in the area nearby where the brick kiln is proposed to be setup or clay from such pond is not suitable for manufacture of brick."] [Proviso added by Haryana Government Notification No. GSR 86/PA1/49/s.3/88 dated 11.11.1988.] Explanation. - 'Scheduled Road' shall have the same meaning as is assigned to it in the "Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963". (iv) If the licensee transfers his licence or the kiln, with respect to which the licence has been granted, to any other person without the previous permission in writing of the authority which granted the licence or contravenes any provision of this order or the licence, the District Magistrate may for reasons to be recorded in writing suspend or revoke the licence : Provided that before suspending or revoking a licence a reasonable opportunity of being heard shall be afforded to the person concerned.

5.

Every manufacturer or dealer whose licence has been cancelled or suspended or not renewed shall dispose of his stocks of bricks to such person as may be specified by the District Magistrate in the order cancelling, suspending or refusing to renew the licence.

6.

Every licence shall be in form "B" appended to this Order and shall be subject to the conditions mentioned therein.

7. [[Substituted vide Haryana Government Notification dated 17.1.1997.]

A fee of Rs. 2000.00 per year shall be payable to the Government for a licence granted under this Order. The licence may be granted up to five years at any time. In the event of licence being lost or destroyed, duplicate shall be issued on a payment of Rs. 200.00.]

8. [[Substituted vide Haryana Government Notification No. GSR SO 124/PA1/1949/s.3/96 dated 20.9.1996.]

(i)Every manufacturer or dealer shall take out a licence in respect of every place at which he manufactures bricks or carries on his business, the licence granted under this order shall, unless previously suspended or revoked, shall be valid for the period for which it was granted, provided that the first year shall be deemed to be conterminous with the following 31st March. The licence shall be renewable for a period of one year to five years on application by the licensee to the District Magistrate which shall be made before the expiry of the validity period of the licence and on payment of a fee at the rate of Rs. [2000] per year. In case during the intervening period the limits of the municipality are changed or the area is declared as controlled area or some school or college is located in the close proximity of the site of the kiln, the District Magistrate may revoke the licence at any time for reasons to be recorded in writing. The District Magistrate may also revoke the licence, if a manufacturer or dealer fails to obtain 'No Dues Certificate' from the Mining Officer or Assistant Mining Engineer of department of Mines and Geology, Haryana, within their respective jurisdiction regarding payment of royalty on brick earth a minor mineral used for manufacture of bricks as prescribed under the Punjab Mineral Concession Rules, 1964:Provided that before revoking a licence a reasonable opportunity of being heard shall be afforded to the licensee :Provided further that if due to development and planning of the City, the closing of the kiln is considered essential in public interest, the District Magistrate may order the closure of the kiln, after giving a notice of six months or till 30th June of that year, whichever is later, to the licensee"](ii)If a licensee fails to apply for renewal before the expiry of the validity period, but does so within one month after the expiry of the validity period he shall in addition to the renewal fee have to pay a penalty of [Rs. 500.00] for Rs. 100.00.(iii)If a licensee fails to apply for renewal within two months of the expiry of the validity period he shall in addition to the renewal fee have to pay a penalty of [Rs. 1000.00] [Substituted vide Haryana Government Notification dated 17.1.1997 for 'Rs. 200'.](iv)If a licensee fails to apply for renewal within three months of the expiry of the validity period he shall in addition to the renewal fee have to pay a penalty of [Rs. 1250.00] [Substituted vide Haryana Government Notification dated 17.1.1997.](v)A licence for which no application for renewal is made within three months of the expiry of the validity period the same shall be treated as to have been cancelled :[Provided that if the licensing authority is satisfied that, for sufficient reasons, the licensee could not apply for renewal of his licence, the same may be renewed on payment of the penalty of [Rs.

2500.00] [Substituted vide Haryana Government Notification dated 22.7.1983.] in addition to the renewal fee.](vi)No licensee the period of validity of whose licence has expired shall be entitled to carry on his business in bricks unless :-(a)he has applied for renewal of his licence and paid the requisite fee before the expiry of the validity period of his licence, or(b)he has applied for renewal of his licence and deposited the renewal and penalty fee within 3 months after the expiry of validity period of his licence; or(c)his licence has been actually renewed.

9.

No person shall purchase or sell or offer to sell or supply any bricks save against a permit issued by the Director or District Magistrate and subject to the conditions mentioned in such permit.

10.

No person shall purchase or sell bricks at a price higher than that which may be fixed from time to time, by the Director or the District Magistrate. The price shall be fixed keeping in view the following factors :-(i)cost of coal (F.O.R. Colliery rate);(ii)railway freight on coal;(iii)loading/unloading charges;(iv)transport charges of coal from railway station to kiln;(v)expenses incurred on moulding kucha bricks;(vi)expenses incurred on making available sand, water, earth for moulding bricks;(vii)expenses in loading and unloading bricks from the kiln and stacking in the premises of brick kiln;(viii)mistri and labour for firing kiln;(ix)maintenance of temporary labour huts, chimneys and other brick kiln equipment;(x)cost of firewood for igniting coal;(xi)munshi and chowkidara expenses.(xii)any other expenses relevant to the manufacture of bricks.

11.

No manufacturer or dealer shall act in contravention of any directions issued by the Director or District Magistrate.

12.

Any application for permit to purchase bricks shall be made to District Magistrate in form 'C' appended to this Order.

13.

Every permit for the purchase of bricks shall be issued in form 'D' appended to this Order.

14.

(i)The Director or the District Magistrate or ["the Additional District Food and Supplies Controller or an Inspector or any other Officer authorised by the State Government in this behalf"]

[Substituted vide Haryana Government Notification dated 12.11.1973.] may with a view to securing compliance with this Order :-

1.

(i)enter and inspect any premises on which he has reason to believe that bricks have been or are being or are likely to be kept, stored, distributed, disposed of or to and from which bricks have been or are being or are likely to be removed, or transported,(ii)stop and inspect any vehicle or animal on which bricks are being carried for sale, supply for storage or for any other purpose,(iii)seize bricks found in possession of any person in any vehicle or on any animal in respect of which he has reasons to believe that contravention of this order has been or is being or is about to be committed, and(iv)seize any record pertaining to such bricks.

2. Every person (including his agent and servants) incharge of a vehicle or animal or premises which is searched or is sought to be searched under the provisions of sub-clause (1) shall allow the authority making the demand access to such premises, vehicle or animal and shall also answer all questions put to him truthfully and to the best of his knowledge and belief.

15.

(i)Every manufacturer or dealer shall maintain register giving an account of receipts and sales of bricks in form 'E' appended to this order and shall keep the register upto date, strike balance at the close of the day.(ii)Separate accounts shall be maintained in respect of bricks manufactured out of Government sponsored coal and privately arranged coal.

16.

Every manufacturer or dealer shall submit to the District Magistrate monthly stocks returns of bricks in form 'F' appended to this Order by the 7th of the month following the month to which it relates.

17.

Every manufacturer or dealer shall when so required by general or special directions by the Director or District Magistrate to furnish truthfully and to the best of his knowledge such particulars relating to his kiln, dealing in bricks and stocks thereof as may be required.

18.

["(i) Every manufacturer or dealer shall deposit security of [Rs. 5000.00] [Substituted vide Haryana Government Notification dated 22.7.1983.] with the licensing authority for due fulfilment of the

terms and conditions of this order and licence. The security shall be in the form of National Saving Certificate duly pledged to the licensing authority.](ii)If the manufacturer or dealer contravenes any of the provisions of this Order or conditions of his licence then without prejudice to any other action which may be taken against him, the District Magistrate may direct by order in writing that his security shall be forfeited in whole or in part.

19.

Any person aggrieved by the order of the District Magistrate passed under any of the provisions of this Order, may file an appeal to the Director within a period of 30 days from the date on which the order is communicated to him.

20.

The State Government may call for and examine the records of any proceedings or orders passed by the Director or by the District Magistrate under this Order for the purpose of satisfying itself as to the legality or propriety of any order made therein and may confirm modify, suspend or rescind such orders.

21. [Power to exempt. [Substituted vide Haryana Government Notification dated 31.12.1976.]

- The State Government may exempt any person or class of persons from the operation of all or any of the provisions of this order subject to such terms and conditions, if any, as may be specified in the Order and may at any time suspend or rescind such exemption.]

22.

The Punjab Control of Bricks Supplies Order, 1956 is hereby repealed :Provided that anything done or any action taken under the order so repealed shall if not inconsistent with the provisions of this Order, be deemed to have been done or taken under the corresponding provisions of this Order.
Form 'A'
The Haryana Control of Bricks Supplies Order, 1972
Applications for a licence under clause 4 of Haryana Control of Bricks Supplies Order, 1972.
To
The District Magistrate,
.....I hereby apply for the grant of licence to manufacture, sell or supply bricks at (here mention the address of the place of business).....

2. I give below the particulars of my brick-kiln :-

(a)Name and address of actual kiln-owner.....(b)Name of lessee, if any, specifying if the kiln has been leased by the Rehabilitation Department to a refugee or a local man.(c)Name, parentage and address of the applicant (in block letters) specifying whether he falls in category (a) or (b) above.(d)Address and details of the location :-(i)Kiln.(ii)Premises other than kiln (if any) where bricks are stocked or business is carried on.(e)[The period for which the licence is required]

[Inserted vide Haryana Government Notification dated 22.7.1983.]

3. I have deposited the licence fee of Rs. in the Treasury, - vide Treasury Challan No. dated enclosed.

3A. [I/We certify that I/We have obtained quarrying permit in form 'K1' as required under the Punjab Mineral Concession Rules, 1964, from the Mining Officer or Assistant Mining Engineer of the Mines and Geology Department, Haryana and will not dig out the kiln vessel and also will not install chimney thereon till permission for the same is granted by the District Magistrate.]

[Inserted vide Haryana Government Notification dated 27.4.1985 and Substituted vide Haryana Government Notification dated 20.9.1996.]

4. I hereby declare that all the particulars given on this form are correct.

Signatures and address of applicant.Dated.....Note. - Description of 'Brick' according to clause 2(A) of the East Punjab Control of Bricks Supply Act, 1949 is as under :-'Bricks' means any piece of burnt clay having a geometrical shape fired in a kiln.Form 'B'The Punjab Control of Bricks Supplies Order, 1972.Licence under clause 6 of the Haryana Control of Bricks Supplies Order, 1972Licence No.District

.....Name.....Parentage.....

Address.....Is licensed to Manufacture, sell or supply bricks at (here mention the address or addresses of the place of business).....

2. [The licence shall be valid up to 31st Day of March]

[Substituted vide Haryana Government Notification dated 22.7.1983.]

District Magistrate,Dated.....Note. - Description of 'Brick' according to clause 2(a) of the East Punjab Control of Bricks Supplies Act, 1949, is as under :-'Brick' means any piece of burnt clay having a geometrical shape fired in a kiln.Renewal Endorsement

| Date from which renewal applicable | Date of expiry | Signature of issuing authority | Remarks |
|------------------------------------|----------------|--------------------------------|---------|
|------------------------------------|----------------|--------------------------------|---------|

| | | | |
|---|---|---|---|
| 1 | 2 | 3 | 4 |
|---|---|---|---|

1.

2.

3.

4.

5.

Conditions of LicenceThe holders of the licence shall -

1. display in conspicuous place on the premises in which he carried on his business the number of his licence;

2. maintain a register giving an account of receipts and sales in the following form:-

(i)Date of the month.(ii)Opening balance of bricks.(iii)Number of bricks received or manufactured during the day.(iv)Total of columns (ii) and (iii)(v)Number of bricks sold or otherwise disposed of during the day.(vi)Balance of hand.(vii)Remarks.

3. submit to the District Magistrate monthly stock Return of Bricks in the following form by the 7th of the month following the month to which it relates :-

(i)Month.(ii)Opening balance (stock in hand on the commencement of the month).(iii)Number of bricks received or manufactured during the month.(iv)Total of columns (ii) and (iii)(v)Number of bricks sold or otherwise disposed of during the month.(vi)Balance in hand on the last day of the month.

4. maintain any other register or record or supply information that the Director, or The District Magistrate by general or special order require him to supply.

5. permit any person duly authorised by the Director, or the District Magistrate :-

(a)to inspect the premises in which bricks are manufactured, kept or stored and the vehicles in which they are transported;(b)to take samples of the different kind of bricks free of charge;(c)to inspect any records which the holder is required by the conditions of his licence to keep.
Form 'C'The Haryana Control of Bricks Supplies Order, 1972Application for a permit to purchase bricks under clause 12 of the Haryana Control of Bricks Supplies Order, 1972.ToThe District Magistrate,.....I hereby apply for a permit to purchase bricks from Messrs for the purpose of.....

2. I hereby declare that all the particulars given on this form are correct.

Signature and address of the applicant.Dated.....Form 'D'Permit for the purchase of bricks, issued under clause 13 of the Haryana Control of Bricks Supplies Order, 1972.Messrs..... are hereby permitted under clause 13 of the Haryana Control of Bricks Supplies Order, 1972 to purchase bricks at Rs..... per thousand on cash payment.This permit is valid for period ofmonth from the date of issue.District Magistrate,Director.Dated.....Form 'E'Daily Bricks Register to be maintained by the Licensee under Clause 16 of the Haryana Control of Bricks

Supplies Order, 1972.

| Date of month | Opening balance of bricks | Number of bricks received or manufactured | Total of columns 2 and 3 | Sale of Bricks | Balance in hand | Remarks |
|---------------|---------------------------|---|--------------------------|----------------|-----------------|---------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |

Note. - Column 2. - This entry will be the closing balance of the previous day. Form 'F' Monthly Stock Return of Bricks to be submitted by Licensees under clause 17 of the Haryana Control of Bricks Supplies Order, 1972

| Month | Opening balance (stock in hand on the commencement of the month) | Number of bricks received or manufactured during the month | Total of columns 2 and 3 | Sales during the month | Balance in hand on the last date of the month |
|-------|--|--|--------------------------|------------------------|---|
| 1 | 2 | 3 | 4 | 5 | 6 |