

The East Punjab Conservation of Firewood Supplies Act, 1949

PUNJAB

India

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Act 2 of 1949

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The East Punjab Conservation of Firewood Supplies Act, 1949East Punjab Act 2 of 1949Statement of Objects and Reasons. - East Punjab is heavily deficit in Firewood Supplies. Most of the Forest plantations which used to feed the deficit towns before the partition have fallen to the share of the West Punjab. The surplus areas within the Province from where firewood supplies can be arranged for these towns are Ambala and Karnal districts in which, too, supplies are being rapidly exhausted. The chances of imports from outside the Province are very remote. Certain power were acquired for conserving firewood supplies under the Punjab Public Security Act; but these powers could not be extended to the whole of the Province as the Act does not admit of provincial application. There are certain other powers necessary for the purpose, but could not be acquired under the Act. In order to achieves this object the East Punjab Conservation of Firewood Supplies Ordinance, 1948, was promulgated. It is now proposed to replace this Ordinance by a bill. (vide East Punjab Government Gazette Extraordinary, dated the 14th February, 1949.)

1. Short title and Extent.

- This Act may be called the East Punjab Conservation of Firewood Supplies Act, 1949.(2)It extends to the whole of the [State] [Substituted for the words 'Province' by the Adaptation of Laws Order, 1950.] of [Punjab] [Substituted for the words 'East Punjab' by Adaptation of Laws Order, 1950.].

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context, -(a)'Firewood' means any kind of wood used for burning, and includes charcoal, saw-dust, charcoal, dust, brushwood, wooden chips or shavings; but does not include timber classified as such and owned or sold as such by any Department of the [State] [Substituted for the word 'Provincial' by Adaptation of Laws Order, 1950.] Government ;(b)'Dealer' means any person who deals in firewood or holds stocks of firewood for

sale and includes his representative or agent;(c)'Factory' means a factory as defined in section 2(m) of the Factories Act, 1948 (LXIII of 1948); and(d)'Kiln' means a structure used for firing bricks.

3. Powers to control supply, distribution or use of firewood.

- The [State] [Substituted for the word 'Provincial' by Adaptation of Laws order, 1950.] Government, so far it appears to it to be necessary or expedient for conserving or maintaining supplies or for securing their equitable distribution and availability at fair prices; may by notified order provide in regard to firewood:-(a)for regulating by licences, permits or otherwise the use, storage, distribution, import, transport, acquisition, disposal and consumption of firewood including its acquisition and consumption in kilns and factories;(b)for regulating by licences, permits or otherwise the manufacture of charcoal;(c)for controlling the prices at which firewood may be brought or sold by dealers;(d)for requiring any dealer holding stocks of firewood to sell the whole or specified part of the stock at such prices and to such persons or class or persons or in such circumstances as may be specified in the order;(e)for collecting any information or statistics with a view to the regulating of the aforesaid matters;(f)for requiring dealers or factory and kiln owners, to maintain and produce for inspection such accounts and records regarding firewood and to furnish such information relating thereto, as may be specified in the order;(g)for any incidental and supplementary matters including in particular the entering and search of premises, vehicles, boats, the seizure by a person authorised to make such search of the firewood 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 of issue of licences, permits or other documents, and the charging of fees therefor.

4. Delegation of Powers.

- The [State] [Substituted for the word 'Provincial' by Adaptation of Laws Order, 1950.] 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 [State] [Substituted for the word 'Provincial' by Adaptation of Laws Order, 1950.] Government as may be specified in the order.

5. Effect of orders inconsistent with other enactments.

- Any order made under section 3 shall have been effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or is 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 provides, any court trying such contravention may direct that any property in respect of which the Court is satisfied that the order has been contravened shall be forfeited to the [State] [Substituted for the word 'Provincial' by Adaptation of Laws Order, 1950.] 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.

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 or other officer 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 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, 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 offences.

- An offence committed under this Act shall be cognizable.

11. Power to try offences summarily.

- Any Magistrate of Bench or Magistrate empowered for the time being to try in a summary way the offences specified in sub-section (1) of section 260 of the Code of Criminal Procedure, 1898 (V of 1898), may on application in this behalf being 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.(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, (1 of 1872) presume that such order was so made by the authority.

13. Protection of action taken under the Act.

- No suit, prosecution or other legal proceeding shall lie against any person for any thing 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] [Substituted for the word 'Crown' by Adaptation of Laws Order, 1950.] 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.

14. Repeal of East Punjab Ordinance No. XXVI of 1948.

- The East Punjab Conservation of Firewood Supplies Ordinance is hereby repealed; but all orders already passed under the said Ordinance shall be deemed to have been passed under this Act.