

Orders

The H. P. Bricks (Control) Order, 1970

NOTIFICATION

Shimla-2, the 14th October, 1970

AS AMENDED UP TO 31-07-93

No.13-2/69-CS&T.— In exercise of the powers conferred vide Section 3 of the Himachal Pradesh Bricks (Control) Act, 1969 (Act No.29 of 1969), and all other powers enabling him in this behalf, the Lieutenant Governor (Administrator), Himachal Pradesh is pleased to make the following order :—

ORDER

1. (i) This Order may be called the Himachal Pradesh Bricks (Control) Order, 1970.
(ii) It extends to the whole of the Union territory of Himachal Pradesh.
(iii) It shall come into force at once.
2. In this order unless there is anything repugnant in the subject or context:—
 - (a) 'consumer' means a person permitted to acquire bricks under order for private consumption and not for sale;
 - (b) 'Director' means the Director, Civil Supplies, Himachal Pradesh and includes Deputy Director, Civil Supplies Himachal Pradesh;
 - (c) 'District Magistrate' means the District Magistrate of the District and includes the District Food and Supplies Controller/District Food and Supplies Officer/ District Co-operative and Supplies Officers and any other officer appointed by the State Government by name or designation to, act as such for all or any of the purposes of this order;
 - (d) 'Inspector' means Inspector, Food & Supplies and includes Sub-Inspector, Food & Supplies/District Inspector Civil Supplies and Sub-Inspector, Civil Supplies;
 - (e) 'manufacturer' means a person engaged in the production or manufacture of bricks in a kiln;
 - (f) the terms and expressions used in this order but not defined shall have the meaning respectively assigned to them in the Himachal Pradesh Bricks (Control) Act, 1969.

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 purposes of sale or for disposal in any other manner of deposit with or consign to any person for the purposes of sale or for storage for sale, for sale, bricks except under and in accordance with the condition of a license granted under this order:

Provided that no license shall be required for manufacturer of bricks in Maidani Bhattis (Awas) if such bricks are manufactured for the personal consumption of the manufacturer.

Explanation:— Maidani Bhatti (Awas) means a structure used for burning brick in which neither a chimney is used nor slack coal is consumed as fuel.

4. (i) All applications for the grant or renewal of a license shall be made to the District Magistrate in form 'A' (appended to this order) duly accompanied by a fee prescribed in clauses 7 and 8 in the form of a Treasury Challan.
(ii) Subject to the general or special instructions notified by the State Government, from time to time, in this behalf a license may, if the site of the kiln is not detrimental to the health of the general public or to the crops, gardens or nurseries in close proximity thereto, be granted or renewed by the District Magistrate.
(iii) The District Magistrate, may for reasons to be recorded in writing, refuse to the grant or renew a license or having granted or renewed it may subsequently cancel, suspend or revoke, it, for contravening any of the provisions of this Order or for transferring his license, or the kiln with respect to which the license has been granted to any other person without the previous permission in writing of the District Magistrate or indulging in activities which are anti-national or which tend to cause disharmony, likely to result in breach of peace between different communities or in any other similar activities and without prejudice to any other punishment to which he may be liable.
(iv) Where the District Magistrate refuse to grant or renew or cancel or suspends or revokes any license, he shall before making an order in this behalf, require the applicant or as the case may be, the licensee, to show cause within a specified time why such order should not be made. If the applicant, or the Licensee does not show any cause within the specified time, or show cause which in the opinion of the District Magistrate is not satisfactory, the District Magistrate concerned shall make an order accordingly.
(v) No applicant, or the holder of a license shall be entitled to the refund of fee paid by him or any compensation for cancellation or suspension or revocation of his license.

5. Every manufacturer or dealer whose license has been cancelled or suspended or revoked or not renewed under clause 4 (iii) shall dispose of his stocks of bricks with such time and to such person and in such a manner at such price as may be specified by the District Magistrate, such price being not less than that fixed under clause 10.

6. Every licence shall be in Form 'B' (appended to this order) and shall be subject to the conditions mentioned therein and such

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other conditions as the Director may from time to time prescribe vide notification No. FDS-A(3)-5/91 dated 8-10-99 published in Extra Ordinary Gazette dated 2-12-99.

7. A fee of Rs. 2000.00 shall be payable for a license granted under this order but in the event of license being lost, or destroyed, a duplicate license shall be supplied, on payment of Rs. 1000.00.

8. (i) Every manufacturer of bricks or dealer shall take out a license in respect of every place at which the manufacturer of bricks carries on his business. The license granted under this Order shall unless previously suspended or revoked, continue in force upto the 31st March, next but shall be renewable annually on application by the holder to the District Magistrate which shall be made before the expiry of the validity period of the license on payment of a fee of Rs. 2000.

(ii) If a licensee fails to apply for renewable 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 of Rs. 2000 have to pay a penalty of Rs. 500.

(iii) If a licensee fails to apply for renewable of his license within two months of the expiry of the validity period, he shall, in addition of the renewable fee of Rs. 2000, have to pay a penalty of Rs. 1000/-.

(iv) If a licensee fails to apply for the renewable of his license within three months of the expiry of the validity period he shall in addition to the renewable fee of Rs. 2000 have to pay a penalty of Rs. 2000.

(v) If a licensee fails to apply for the renewable of a license within 3 months of the expiry of validity period the license shall be treated as cancelled.

(vi) No licensee, the period of validity of whose license had expired shall be entitled to carry on his business in bricks unless:

(a) he has applied for renewable of his license and paid the requisite fee before the expiry of the validity period of his license; or

(b) he has applied for the renewable of his license and deposited the renewable and penalty fee within 3 months after the expiry of the validity period of his license.

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

10. No person shall purchase or sell bricks at a price higher than that which may be fixed by the District Magistrate. The price shall be fixed keeping in view the following facts:-

(i) Cost of the coal F.O.R. Colliery rate.

(ii) Railway freight on coal.

(iii) Loading/Unloading Charged.

(iv) Transport charges of coal from Railway Station to kiln.

(v) Expenses incurred on moulding of kutchha bricks.

(vi) Expenses incurred on making available sand, water, earth for moulding bricks.

(vii) Expenses on loading and unloading bricks from kiln and stacking in the premises of the bricks 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 ignition coal.

(xi) Munshi and Chaukidars expenses.

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

12. The Director may, from time to time issue directions to the District Magistrate for carrying out the provisions of this order.

13. An application for the permit to purchase bricks shall be made to the District Magistrate in Form 'C' appended to this order.

14. Every permit for the purchase of bricks shall be issued in Form 'D' appended to this order.

15. Number of consumers shall vary or alter the contents of the permit issued under this order.

16. The Director or the District Magistrate or any other person duly authorised by him in this behalf or an Inspector may, with a view to securing compliance with this order:-

(i) enter and inspect any premises on which he has reasons to believe that bricks have been or are being or are likely to be kept, store, distributed, disposed of or to an from which bricks, have been or are being or are likely to be removed, or transported;

(ii) stop and inspect any vehicle or animal in which bricks are being carried for sale, supply or storage or for any other purpose;

(iii) seize bricks found in the possession of any vehicle or on any animal in respect of which he has reason 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 bricks, of which he has reasons to believe that contravention of this order has been or is being or is about to be committed;

(v) every person (including his agents and servants) in charge of a vehicle or animal or premises which is searched under the

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provisions of sub-clause (a) 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.

17. Every manufacturer or dealer shall maintain a register giving an account of receipts and sale of bricks in Form 'E' appended to this order and shall keep the register up to date, strike balances at the close of the day.

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

19. Every manufacturer or dealer shall, when so required, by general or special directions by the Director or the District Magistrate 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. Vide Notification No.FDS-A(3)-5/91 dated 8-10-99 published on Extra Ordinary Gazette Dated 2-12-99.

20.

(i) Every manufacturer or dealer shall, when so required by the District Magistrate by general or special order in writing, deposit security with him amounting to Rs.10000/- in shape of National Defense Certificate duly pledged to the District Magistrate.

(ii) If any order has been issued under the provisions of sub-clause (i) the manufacturer or the dealer affected by it shall deposit the security in full by the date specified in the order and if security is not deposited then without prejudice to any order action that may be taken against him, his license may be cancelled or withheld or suspended.

(iii) If the manufacturer or dealer who has deposited security under the provisions of this clause contravenes any of the provisions of this Order or conditions of his license 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 confiscated in whole or in part,

21.

(1) Any person aggrieved by the order passed by the District Magistrate under this order may within 30 days from the date on which the order is communicated to him, appeal to the Director.

(2) The State Government may call for and examine the record of any proceeding disposed of by the Director in appeal 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 restore such orders.

22.

(1) The Punjab Control of Bricks Supplies Order, 1956 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 is hereby repealed. Provided that such repeal shall not effect:-

(a) The previous operation of any such order, or

(b) any penalty, forfeiture or punishment incurred in respect of any offence committed against any such order, or

(c) any investigation, legal proceeding or remedy in respect of any such penalty, forfeiture or punishment

and any such investigation, legal or remedy may be instituted, continued or enforced, any such penalty forfeiture or punishment may be imposed as if this order had not been passed.

(2) Subject to the provisions of sub-clause (1), anything done or any action taken including an appointment or delegation made, notifications or directions issued, or license granted under the Order hereby repealed shall-

(a) be deemed to have been done or taken under this Order, and

(b) continue in force until and unless directed otherwise or superseded by anything done or any action taken under this Order by the State Government or other competent authority.

From 'A'

APPLICATION FOR A LICENCE UNDER CLAUSE 4 OF THE HIMACHAL PRADESH BRICKS (CONTROL) ORDER, 1970.

To,
The District Magistrate,

.....

We/ I hereby apply for the grant of licence to manufacture, sell or supply bricks, No at
..... renew our/my licence.

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(here mention the address of the place of business)

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

- (a) Name and address of the 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 locations:–
 - (i) Kiln;
 - (ii) Premises other than kiln (if any) where bricks are stocked or business is carried on.

3. I hereby deposited the licence fee of Rs.in the..... treasury, vide treasury, vide treasury challan No.dated.....enclosed.

4. hereby declare that all the particulars, given in this application are correct to the best of my knowledge.

Dated.....

Signature and address of applicant.

Form ‘B’
LICENCE UNDER CLAUSE 6 OF THE HIMACHAL PRADESH BRICKS ORDER, 1970.

Licence No.....

District.....

NameParentage..... Is licenced to manufacture, sell or supply bricks at.....

(here mention the address of the place of business).

2. The licence shall be valid up 31st March, 19.....unless cancelled, suspended or revoked prior to that date.

Dated.....SEAL

District Magistrate.

RENEWAL ENDORSEMENT

Date of renewal
1.

Date of expiry
2.

Signature of Licensing Remarks
3.

Authority
4.

Conditions of Licence

The holder’s of the licence shall: –

1. Display the licence in conspicuous place on the premises in which he carries on his business, the number of his licence.
2. Maintain a register giving an account of receipts and sales in the following form:–

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- (i) Date
- (ii) Opening balance of bricks.
- (iii) No. of bricks received or manufactured during the day.
- (iv) Total of columns (ii) and (iii)
- (v) No. of bricks received or manufactured during the day.
- (vi) Balance in 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) No. 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 District Magistrate may be general or special order require him to supply.

5. Permit the Director, or the District Magistrate or any other persons authorised by him or the Inspector;

(a) to inspect the premises in which bricks are manufactured, kept or stored and the vehicles or animals in which they are transported;

(b) to take samples of the different kinds of bricks free of charge; and

(c) to inspect any records which the holder is required by the conditions of his licence to keep.

Form 'C'

**APPLICATION FOR A PERMIT TO PURCHASE BRICKS UNDER CLAUSE 13 OF THE HIMACHAL PRADESH
BRICKS (CONTROL) ORDER, 1970**

To

.....

.....

I hereby apply for a permit to purchase..... Class I/ Class II/Class III/bricks from M/Sfor the purpose of.. ..

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

Signature and address of the applicant.

**PERMIT FOR THE PURCHASE OF BRICKS ISSUED UNDER CLAUSE 14 OF THE HIMACHAL PRADESH
BRICKS (CONTROL) ORDER, 1970.**

M/sare hereby permitted under clause 14 of the Himachal Pradesh Bricks (Control) Order, 1970 to purchase..... Class I/Class II/Class III bricks at Rs.....per thousand on cash payment, from M/S.....

This permit is valid for a period ofmonth/months from the date of issue of this permit.

Dated.....

District Magistrate/Director.

Form 'E'
**DAILY BRICKS REGISTER TO BE MAINTAINED BY THE LICENCEE UNDER CLAUSE 17 OF
THE HIMACHAL PRADESH BRICKS (CONTROL) ORDER,**

Date of month	Opening balance of bricks	No. of bricks received or of manufactured during the day	Total columns 2 and 3.	Sale or disposal of bricks during the day 1. Permit No. & dt. 2. Name of permit holder 3. Number of bricks issued	Balance in hand	Signature of manufacturer /dealer	Remarks
1.	2.	3.	4.	5.	6.	7.	8.

**MONTHLY STOCK RETURN OF BRICKS TO BE SUBMITTED BY THE LICENSEE UNDER CLAUSE 18 OF THE
HIMACHAL PRADESH BRICKS (CONTROL) ORDER, 1970**

Month	Opening Balance (stock in hand on commencement of the month	No. of bricks received or manufactured during the month	Total columns 2 and 3.	Sales or disposal during the month	Balance in hand on the last date of the month.
1.	2.	3.	4.	5.	6.

By order,
PARKASH CHAND,

*Joint Secretary (Civil Supplies)
to the Government of Himachal Pradesh.*

**GOVERNMENT OF HIMACHAL PRADESH FOOD AND SUPPLIES DEPARTMENT
NOTIFICATION**

Shimla -2 , the 10th January,1975

No.13-2/69-CS&T, – In exercise of the power conferred vide section-4 of the Himachal Pradesh Bricks (Control) Act, 1969 (Act No. 29 of 1969) and in exercise of the power conferred, vide sub-para (C) of para 2 of the Himachal Pradesh Bricks (Control) Order 1970, the Governor, Himachal Pradesh is pleased to appoint all the Sub-divisional Magistrates in the State of Himachal Pradesh to act as “District magistrates” for all purposes of the said order within the territorial jurisdiction of their respective Sub-divisions.

**By order,
M.S.MUKHERJEE,
Secretary,**