

THE UTTAR PRADESH BRICKS (REGULATION OF SUPPLY)
ACT, 1990

(U. P. Act No. 6 OF 1991)

[As passed by the U. P. Legislature, assented to by the Governor
on February 27, 1991 and published in U.P. *Gazette Extraordinary* on
February 27, 1991]

**AN
ACT**

*to provide in public interest, for regulation of supply with a view
to securing the equitable distribution of bricks at fair price.*

IT IS HEREBY enacted in the Forty-first Year of the Republic of
India as follows:

**Short title,
extent and
commencement**

1. (i) This Act may be called the Uttar Pradesh Bricks
(Regulation of Supply) Act, 1990.

(ii) It extends to the whole of Uttar Pradesh.

(iii) It shall be deemed to have come into force on May 12, 1990.

Definitions

2. In this Act,—

(a) “Brick” means any piece of burnt clay having
geometrical shape fired in a kiln ;

(b) “Kiln” means a structure used for firing bricks; and

(c) “Dealer” means any person who deals in bricks or holds
stocks of bricks for sale and includes his representative or
agent.

**Powers to
regulate price,
supply,
distribution on
consumption of
bricks**

3. (1) Where the State Government is of opinion that it is
necessary so to do for maintaining or increasing supplies of bricks or
for securing their equitable distribution and availability at fair prices, it
may, by notified order, provide for regulating supply, distribution,
consumption and price thereof.

(2) Without prejudice to the generality of the powers conferred
by sub-section (1), an order made thereunder may provide—

(a) for regulating by licenses, permits or otherwise the
storage, distribution, transport, acquisition, supply manufac-
ture and consumption of bricks ;

(b) for controlling the price at which bricks may be bought
or sold;

(c) for prohibiting the withholding from sale, of bricks,
ordinarily kept for sale ;

(d) for requiring a dealer or kiln owner 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 ;

(e) for requiring a dealer or kiln owner to sell the whole or a
specified part of bricks held in stock or produced or received by
him to the State Government or the central Government or to an
officer or agent of such Government or to a Corporation owned
or controlled by such Government or to such other person or
class of persons and in such circumstances as may be specified
in the order ;

(f) for any incidental and supplementary matters including
in particular the entering and search of premises and vehicles
seizure of bricks, the grant or issue of licenses, permits and
other documents and the charging of fees therefor.

Penalty

4. (1) Whoever contravenes or attempts to contravene, or abets the contravention of the provisions of any order made under section 3 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, or such part of it as the court may deem fit shall be forfeited to the State Government.

(2) Whoever being required by an order made under section 3 to make any statement or furnish any information—

(i) makes any statement or furnishes any information which is false in any material particular and which he knows or has reason 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 ;

shall be punishable with imprisonment for a term which may extend to three years or with fine, or with both.

Offences by companies

5. (1) If the person committing an offence under this Act is a company, the company as well as every person in charge of and responsible to the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence 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 offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where any 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 that the commission of the offence is attributable to any neglect on the part of, any secretary, director, manager or other officer of the company, such secretary, director, manager 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, and

(b) “Director” in relation to a firm, means a partner in the firm.

Protection of action taken in good faith

6. No suit, prosecution or other legal proceedings shall lie against the State Government or any person for anything which is in good faith done or intended to be done, in pursuance of this Act or any order made thereunder.

Repeal and saving

7. (1) The Uttar Pradesh Bricks (Regulation of Supply) Ordinance, 1990, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of this Act as if the provisions of this Act were in force at all material times.

**U.P.
Ordinance
no. 12 of
1990**

STATEMENT OF OBJECT AND REASONS

With a view to securing equitable distribution of bricks and availability thereof at fair prices, the Uttar Pradesh Bricks control Order, 1971 was framed under rule 114 of the Defence of India Rules, 1971. Since the said rules were allowed to lapse, the said control order of 1971 also ceased to be in operation and, therefore, there had been no law effective to control the supply and distribution of bricks in the State. There has been unexpected rise in the price of bricks for the last several months.

It was therefore, considered necessary in public interest to regulate the supply of bricks in the State for securing equitable distribution thereof at fair prices by enacting a law in this behalf.

Since the State Legislature was not in session and immediate legislative action in the matter was necessary, the Uttar Pradesh, Bricks (Regulation of Supply) Ordinance, 1990 (U.P. Ordinance No. 12, 1990) was promulgated by the Governor on May 12, 1990, after obtaining the instructions of the President.

The Bill is introduced to replace the aforesaid ordinance accordingly.

