

[Extract from the Haryana Government Gazette, (Extraordinary),  
dated the 24<sup>th</sup> March, 1972]

THE HARYANA CONTROL OF BRICKS SUPPLIES ORDER, 1972

**PART III**

**HARYANA GOVERNMENT**

**FOOD AND SUPPLIES DEPARTMENT**

**Notification**

The 24<sup>th</sup> March, 1972

**No. G.S.R.57/P.A.1/49/S.3/72.-** Whereas the State Government 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. I 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) “manufacture” 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 sales ;
  - (c) “Director” means the Director, Food and Supplies , and includes ADFS, 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 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 purpose 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, and if bricks are sold, the sale does not exceed Rs. 45,000.00 per annum by a single Unit.”

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 in 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.
- (iii) “The District magistrate may grant or renew or refuse to grant or renew a license for reason to be recorded in writing, provided that site of the Kiln is situated at distances not less than those indicated below:-

| Category  | Distance  | Measurement of Distance   | Maximum relaxation if any, to be allowed under clause 21. |  |
|---|---|---|---|--|
| 1   | 2   | 3   | 4   |  |
| (a) By pass   | (a) 100 meters  | Distance is to be measured from the nearest edge of the road reservation.   | (a) Not relaxable   | <b>In clause 4 (III) column 4 situated vide notification dated 15/9/2008.</b>  |
| (b) Scheduled roads   | (b) 30 meters   |   | (b) Not relaxable   |  |
| (c) Other district pucca road   | (c) 30 meters   |   | (c) Not relaxable   |  |
| (d) Village link road   | (d) 30 meters   |   | (d) Not relaxable   |  |
| (e) Municipal limits for A and B class cities and C class cities/town | A Class- 3 kilometer<br>B Class- 2 kilometer<br>C Class- 800 meters | Distance is to be measured as the crow flies from the nearest portion of the Municipal limits.  | (e) Maximum upto 20% each                                 | <b>Municipal limit of C class city amended 800 meters instead of 1 Kilometer vide notification dated 15/9/2008.</b>  |
| (f) Village abadi   | 800 meters  | Distance is to be measured as the crow flies from the nearest portion of the outer edge of Phirni and where there is no Phirni the distance is to be measured from the outer edge of the Abadi. | (f) Maximum upto 20%                                      | <b>Disatance of Village abadi amended 800 meters instead of 1 Kilometer vide notification dated 15/9/2008.</b>   |
| (g) School/Dispensary and Hospital                                    | One kilometer each.   | Distance is to be measured as the crow flies from the nearest portion of the boundary line/ wall.   | (g) Maximum upto 20%                                      |  |
| (h) Other Educational and Public Utility Institutions                 |   |   | (h) Maximum upto 20%                                      |  |
| (i) Public Park   |   |   | (i) Maximum upto 20%                                      |  |
| (j) Garden/Nursery/ Forest Nursery                                    | East-West and North-South One kilometer each.                       | Distance is to be measured as the crow flies from the nearest boundary line, wall of the institution.   | (j) Maximum upto 10%                                      |  |
| (k) Reserve Forest  |   |   | (k) Maximum upto 10%                                      |  |
| (l)Electricity Transmission Lines (not less than 220 kilowatt)        | 600 meter (on both sides from the transmission line)                | Distance is to be measured as the crow flies from the nearest transmission line   | (l) Maximum upto 20%                                      | <b>Distance of Reserve Forest amended 1 Kilometer instead of 2 Kilometer vide notificati on dated 15/9/2008..</b><br><br><b>Distance of Electricity Transmission Lines amended 600 meters instead of 500 meters vide notification dated 15/9/2008.</b> |

**Explanation.- 1. Garden-** (A garden shall be considered as such only if it has an area of at least 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 shall be considered as such only, if it has an area of one kanal where fruit or other plants are reared for sale or plantation).

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:

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 set up or clay from such pond is not suitable for manufacture of brick.

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 (Punjab Act 41 of 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 canceling, 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. A fee of Rs. 2000.00 per year shall be payable to the Government for a license 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. (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 31<sup>st</sup> 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. 2000.00 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 the manufacturer *or dealers* 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 30<sup>th</sup> 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.

(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 of Rs. 1000.00.

(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.

(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 licencing 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 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 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.* (Deleted vide notification 1/3/2007)

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:-* (Deleted vide notification 1/3/2007)

(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.* (Deleted vide notification 1/3/2007)
13. *Every permit for the purchase of bricks shall be issued in form "D" may with a view to securing compliance in the order;* (Deleted vide notification 1/3/2007)
14. (1) *The Director or the District Magistrate or an Inspector may with a view to securing compliance with this Order:-* (Deleted vide notification 1/3/2007)
- (i) *enter and inspect any premises on which he has reason to believe that bricks, have been or are being or are likely 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 or 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 up to date, strike balance at the close of the day.* (Deleted vide notification 1/3/2007)
- (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 7<sup>th</sup> of the month following the month to which it relates.* (Deleted vide notification 1/3/2007)
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 required.
18. (i) Every manufacturer *or dealer* shall deposit security of Rs. 5000.00 with the Licensing Authority for due fulfillment of the terms and conditions of this Order and Licence. The security shall be in the forms of National Saving Certificates etc. 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 manufacturer* 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.- 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 the provisions of sub clause (iii) of clause 4 as may be specified in order and may at any time suspend or rescind such exemption”.*** ***Clause 21 amended vide notification dated 15/9/2008***

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.

D.D.SHARMA,  
Commissioner and Secretary to Govt.  
Haryana, Food and Supplies Department.

\* ***The word “or dealer” wherever occurring shall be omitted vide notification dated 1/3/2007***

\* ***In clause 19 the words “Any person” the word “Any manufacturer” shall be substituted vide notification dated 1/3/2007***

**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 of 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 leasee, 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

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 “KI” 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 there on till permission for the same is granted by the District Magistrate.”

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 HARYANA CONTROL OF BRICKS SUPPLIES ORDER, 1972**

Licence under clause 6 of the Haryana control of Bricks Supplies Order, 1972

Licence No. ....

District .....

Name .....

Parentage .....

Postal Address .....

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

2. The licence shall be valid up to 31<sup>st</sup> day of March \_\_\_\_\_

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**

| <b>Date from which<br/>Renewal application</b> | <b>Date of<br/>expiry</b> | <b>Signature of issuing<br/>authority</b> | <b>Remarks</b> |
|--|---------------------------|---|----------------|
| <b>1</b>                                       | <b>2</b>                  | <b>3</b>                                  | <b>4</b>       |
| 1.   |                           |   |                |
| 2.   |                           |   |                |
| 3.   |                           |   |                |
| 4.   |                           |   |                |
| 5.   |                           |   |                |



## **CONDITIONS OF LICENCE**

**(Deleted vide  
notification 1/3/2007)**

*The 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 in hand*
  - (vii) *Remarks.*
3. *Submit to the District Magistrate monthly stock Return of Bricks in the following form by the 7<sup>th</sup> 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 the Director or the District Magistrate by general or special order require him to supply.*
5. *Permit any person duly authorized 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'**

**(Deleted vide  
notification 1/3/2007)**

**THE HARYANA CONTROL OF BRICKS SUPPLIES ORDER, 1972**

**Application for a permit to purchase bricks under clause 12 of the  
Haryana Control of Bricks Supplies Order, 1972.**

To,

*The District Magistrate,*

.....

*I hereby apply for a permit to purchase ----- bricks from Messers -----  
----- 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'**

**(Deleted vide  
notification 1/3/2007)**

**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 Orders 1972, to purchase .....  
Bricks at Rs., ..... per thousand on cash payment.

This permit is valid for period of ..... month from the date of issue.

District Magistrate,

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Director,

Dated .....

**FORM 'E'**

**(Deleted vide  
notification 1/3/2007)**

**Daily Bricks Register to be maintained by the Licensee under Clause 16  
of the Haryana Control of Bricks Supplies Order, 1972.**

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| <i>Date of<br/>the month</i> | <i>Opening<br/>balance of<br/>Bricks</i> | <i>Number of<br/>bricks<br/>received or<br/>Manufactured</i> | <i>Total of<br/>columns 2<br/>and 3</i> | <i>Sale of<br/>Bricks</i> | <i>Balance in<br/>hand</i> | <i>Remarks</i> |
|------------------------------|--|--|---|---------------------------|----------------------------|----------------|
| <u>1.</u>                    | <u>2.</u>                                | <u>3.</u>  | <u>4.</u>                               | <u>5.</u>                 | <u>6.</u>                  | <u>7.</u>      |

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*Note – Column 2:- This entry will be the closing balance of the previous day.*

**FORM 'F'**

**(Deleted vide  
notification 1/3/2007)**

**Monthly Stock Return of bricks to be submitted by Licensee under  
clause 17 of the Haryana Control of Bricks Supplies Order, 1972**

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| <i>Month</i> | <i>Opening<br/>Balance<br/>(stock in</i>                    | <i>Number of<br/>bricks re-<br/>ceived or</i>  | <i>Total of<br/>columns<br/>2 and 3</i> | <i>Sales<br/>during<br/>the</i> | <i>Balance in<br/>hand on the<br/>last date</i> |
|--------------|---|--|---|---------------------------------|---|
| <i>of</i>    | <i>hand on<br/>the comm.-<br/>encement<br/>of the month</i> | <i>manufact-<br/>ured during<br/>the month</i> |   | <i>month</i>                    | <i>the month</i>                                |
| <i>1</i>     | <i>2</i>  | <i>3</i>                                       | <i>4</i>                                | <i>5</i>                        | <i>6</i>  |

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