

**A
BILL**

*to provide for the registration and regulation of brick kilns in the
Province of Khyber Pakhtunkhwa.*

WHEREAS it is expedient to register brick kilns, to provide for a comprehensive system for regulating the establishment and operation of brick kiln manufacturing facilities and for matters connected therewith and ancillary thereto;

It is hereby enacted by the Provincial Assembly of Khyber Pakhtunkhwa as follows:

**CHAPTER-I
PRELIMINARY**

1. Short title, extent, application and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Registration of Brick Kilns Act, 2024.

(2) It shall extend to the whole of the Province of Khyber Pakhtunkhwa.

(3) It shall apply to all forms of brick kilns used for the manufacturing and processing of bricks for use in construction.

(4) It shall come into force at once.

2. Definitions.---In this Act, unless there is anything repugnant in the subject or context,-

(a) **“Appellate Authority”** means the Secretary to Government Industries, Commerce and Technical Education Department;

(b) **“applicant”** means a person who applies for registration of brick kiln under the provisions of this Act;

(c) **“Authorized Officer”** means an officer authorized by the Registering Authority under section 15 of this Act;

(d) **“brick”** means a block having a geometric shape, typically made of fired or sun-dried clay, used in construction;

(e) **“brick kiln”** means a facility or an establishment where bricks are manufactured;

(f) **“Court”** means the Consumer Protection Court established under the Consumer Protection Act, 1997 (Act No. VI of 1997);

(g) **“Government”** means the Government of Khyber Pakhtunkhwa Province;

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- (h) **"licensee"** means a person to whom registration certificate has been granted by the Registering Authority under the provisions of this Act and also includes his agent duly authorized by the licensee;
- (i) **"Registering Authority"** means the Director General Industries and Commerce, Khyber Pakhtunkhwa;
- (j) **"person"** includes an individual, a company, a firm or an association, etc. registered under the relevant law for the time being in force having the ownership of the brick kiln;
- (k) **"prescribed"** means prescribed by rules; and
- (l) **"rules"** mean rules made under this Act.

3. **Brick Kilns to be deemed as industry.**---All brick kilns in the Province of Khyber Pakhtunkhwa shall for all intents and purposes be deemed as industry.

4. **Registration of brick kilns.**---(1) A person shall not establish or operate a brick kiln unless he has a valid registration certificate granted by the Registering Authority under this Act.

(2) The Registering Authority shall grant registration certificate to the owner of brick kiln in the manner as may be prescribed.

(3) A brick kiln shall not be established on any land which,-

(a) is agricultural; and

(b) is fit for cultivation of any agricultural produce.

5. **Procedure for registration.**---(1) Any person who intends to establish a brick kiln shall apply to the Registering Authority for the grant of registration certificate in the prescribed manner:

Provided that a person who is already operating a brick kiln without a registration certificate shall, on commencement of this Act, apply to the Registering Authority within one hundred and twenty days from the commencement of this Act, for the grant of registration certificate and in case of non-compliance, such person shall be dealt with in the manner as provided in section 13 of this Act.

(2) The application for the registration certificate shall be accompanied by such fee, documents, and details as may be prescribed.

(3) The Registering Authority may, after making such inquiry as it may deem appropriate, grant registration certificate to a person in the manner as may be prescribed.

6. **Term of registration certificate and its renewal.**---(1) The registration certificate granted under this Act shall be valid for one year and shall be renewable every year, on payment of such fee as may be prescribed.

(2) Application for renewal of a registration certificate shall be made in the manner as may be prescribed.

CHAPTER-II

COMPLIANCE WITH OTHER RELEVANT LAWS

7. **Compliance.**---(1) A registration certificate shall not be granted for the establishment and operation of the brick kiln which is not in compliance with the relevant environmental protection, labour and other applicable laws.

(2) A person shall not establish or operate a brick kiln without adopting the relevant environmentally friendly technologies and practices:

Provided that a person who is already operating a brick kiln without adopting the relevant environmentally friendly technologies and practices shall ensure the adoption of such technologies and practices within six months of the commencement of this Act.

(3) If any brick kiln has been established or is being operated in contravention of subsection (1) and (2), the Registering Authority or Authorized Officer, as the case may be, shall proceed as per sections 10 and 11 of this Act.

8. **Safe distance.**---(1) No registration certificate shall be granted for establishing and operating brick kiln without maintaining a safe distance as may be prescribed, from the location like, school, hospital, transmission line, forest, human dwelling, or any other strategic location.

(2) If any person has established or intends to establish or is operating a brick kiln without maintaining a safe distance or the brick kiln was found causing hazard, the Registering Authority or Authorized Officer, as the case may be, may pass an order directing such person to shift such brick kiln to a safe distance from such location or may seal the premises.

9. **Responsibilities of the licensee.**---(1) The licensee shall comply with the provisions of this Act and the rules made thereunder.

(2) Without prejudice to the generality of the foregoing provision, the licensee shall have such other responsibilities as may be prescribed.

CHAPTER-III

INSPECTIONS AND PUNISHMENTS

10. **Inspections.**---(1) The Registering Authority or Authorized Officer as the case may be, may inspect any brick kiln for compliance with the provisions of this Act and rules as and when required, in the manner as may be prescribed.

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(2) Notwithstanding the generality of sub-section (1), for the purpose of giving effect to the provisions of this Act, the Registering Authority or Authorized Officer may-

- (a) enter and inspect any brick kiln;
- (b) enter or search the premises and take action as may be necessary;
- (c) by order in writing, require any person to furnish such information in his possession relating to the installation or operation of the brick kiln, as may be specified in the order;
- (d) seize or order the production of any document, book, register or record in the possession of the licensee or any person having control or employed in connection with any brick kiln, if he has reason to believe that contravention of the provisions of this Act or rules made thereunder has been or is being or is about to be committed; and
- (e) stop and inspect any vehicle or cart in which bricks are being carried for sale, supply or storage or any other purpose.

(3) Any person who obstructs the Registering Authority or the Authorized Officer, as the case may be, while conducting duties under this Act shall be punished under section 186 of Pakistan Penal Code, 1860 (Act No. XLV of 1860).

11. Fine and cancellation of registration certificate.---(1) If, during inspection, a licensee is found violating the provisions of this Act and the rules, the Registering Authority or the Authorized Officer as the case may be, may impose a fine on him which may extend to two hundred thousand rupees.

(2) If the licensee continues in violation of the provision of this Act and the rules despite imposition of fine under sub-section (1), the Registering Authority or Authorized Officer, as the case may be, shall direct the licensee to stop operation of brick kiln and shall proceed to cancel the registration of the licensee after giving him an opportunity of hearing. Besides cancellation of registration the licensee shall also be liable to be proceeded against under section 12 of this Act.

12. Punishment for persistent violation of this Act and rules.---(1) If the licensee despite imposition of fine under section 11 of this Act, still persists in violation of this Act and rules, he shall be liable to imprisonment for a term which may extend to three months and fine which shall not be less than two hundred thousand rupees and which may extend to five hundred thousand rupees.

(2) For the purpose of prosecution of licensee under this section and section 13 of this Act, the Registering Authority or Authorized Officer, as the case may be, shall file complaint in the Court under section 16 of this Act.

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13. Punishment for operating brick kiln without a registration certificate.---

(1) Any person involved in the operation of a brick kiln without a registration certificate, the Registering Authority or Authorized Officer, as the case may be, may pass an order directing such person to stop operation of such brick kiln and get the same registered under the provision of this Act.

(2) If the person fails to register the brick kiln or in case of a licensee, whose registration has expired and fails to renew his registration, continues to operate the said brick kiln without registration, he shall be liable to punishment with imprisonment for a term which may extend to six months or with a fine which shall not be less than ten thousand rupees and may extend to two hundred thousand rupees or with both.

CHAPTER-IV
APPEALS

14. Appeals.---(1) Any person or licensee aggrieved by an order passed by the Registering Authority or Authorized Officer, as the case may be, may prefer an appeal to the Appellate Authority within thirty (30) days from the date of the order.

(2) The Appellate Authority may pass any order as it may deem fit after giving an opportunity of being heard to the person.

(3) The order of the Appellate Authority on such appeal shall be final.

(4) An appeal shall be made and disposed off in the manner as may be prescribed.

(5) The provisions of the Code of Civil Procedure, 1908 relating to appeals shall be *mutatis mutandis* apply to appeals under this Act.

CHAPTER-V
MISCELLANEOUS

15. Delegation of powers.---The Registering Authority may, by general or special order and subject to such conditions, as may be specified in the order, authorize any officer of the Directorate General of Industries and Commerce, Khyber Pakhtunkhwa to exercise such powers and perform such functions and duties in respect of such area or areas of the Province of the Khyber Pakhtunkhwa as may be specified in the order.

16. Cognizance of the offense by Court.---(1) The Court shall take cognizance of an offense under this Act on a written complaint made by the Registering Authority or Authorized Officer, as the case may be.

(2) The provisions of the Code of Criminal Procedure, 1898 (Act No. V of 1898) shall *mutatis mutandis* apply to trial of offences under this Act.

17. Indemnity.---No suit or other legal proceeding shall lie against the Registering Authority or an Authorized Officer, as the case may be, in respect of

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anything done or intended to be done in good faith under this Act and the rules made thereunder.

18. Power to make rules.---Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

The proposed Bill aims to establish a comprehensive regulatory framework for the registration, establishment, and operation of brick kilns in the Province of Khyber Pakhtunkhwa. The primary objectives are to ensure compliance with relevant environmental, labor, and other applicable laws, thereby promoting sustainable and safe brick manufacturing practices. The Bill also seeks to prevent the misuse of agricultural land for non-agricultural purposes, enforce strict penalties for violations, and streamline the registration process to enhance oversight and governance in the brick kiln industry.

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Peshawar,
dated the: ____/____/2024.



MINISTER-IN-CHARGE