

KARNATAKA ACT NO. 28 OF 2020

**THE KARNATAKA REGULATION OF STONE CRUSHERS
(AMENDMENT) ACT, 2020**

Arrangement of Sections

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STATEMENT OF OBJECTS AND REASONS

AMENDING ACT 28 OF 2020.- It is considered necessary to amend the Karnataka Regulation of Stone Crushers Act, 2011(Karnataka Act 8 of 2012) to,-

- (i) provide clarity and reduce difficulty faced by the applicant in view of non-description of other road;
- (ii) provide an option with the approval of the licensing authority to the holder of license to transfer the license to some other, who can invest into the business;
- (iii) provide deemed extension of existing stone crushers licence upto twenty years from the date of sanction subject to payment of annual regulation fee;

- (iv) provide deemed extension upto twenty years the licence holder who have made application before expiry and pending for consideration; and
- (v) provide deemed extension upto twenty years in respect of licence rejected solely on the ground that they have not filed renewal application within time limit, but before expiry;
- (vi) provide for compounding of offences under this Act; and
- (vii) certain consequential amendments are also made.

As the matter was urgent and both houses of the Karnataka state legislature were not in a session, the Regulation of Stone Crushers (Amendment) Ordinance, 2020 (Karnataka Ordinance 03 of 2020) was promulgated on 31.03.2020

This Bill seeks to replace the said Ordinance.

Hence the Bill.

[L.A. Bill No. 36 of 2020, File No. Samvyashae 51 Shasana 2020]
[Entries 23 and 24 of List II of the Seventh Schedule to the Constitution of India.]
[Published in Karnataka Gazette Extra-ordinary No. 483 in part-IVA dated:
19.10.2020]

KARNATAKA ACT NO 28 OF 2020

(First Published in the Karnataka Gazette Extra-ordinary on the 19th day of October, 2020)

THE KARNATAKA REGULATION OF STONE CRUSHERS (AMENDMENT) ACT, 2020

(Received the assent of the Governor on the 16th day of October, 2020)

An Act further to amend the Karnataka Regulation of Stone Crushers Act, 2011.

Whereas it is expedient further to amend the Karnataka Regulation of Stone Crushers Act, 2011 (Karnataka Act 08 of 2012) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the seventy first year of the Republic of India, as follows:-

1. Short title and commencement.-(1) This Act may be called the Karnataka Regulation of Stone Crushers (Amendment) Act, 2020.

(2) It shall come into force with effect from 30th day of March 2020.

2. Amendment of section 2.-In the Karnataka Regulation of Stone Crushers Act, 2011 (Karnataka Act 08 of 2012) (hereinafter referred to as the principal Act), in section 2, in sub-section (1),-

(i) after clause (g), the following shall be inserted, namely:-

“(g-a) “other road” means all other road excluding foot or cart road, and road approaching stone crushers;”

3. Amendment of section 3.- In section 3 of the principal Act, sub-sections (2), (3), (4), (5), (6) and (7) shall be omitted.

4. Amendment of section 4.- In section 4 of the principal Act, after sub-section (1) the following proviso shall be inserted, namely:-

“Provided that, where an applicant has not submitted application three months before the expiry of the licence but makes an application one month before expiry of the licence, it may be accepted for the valid reasons, subject to payment of an additional fee as may be prescribed for expediting the joint inspection and suitability of safer zone and other parameters.”

5. Insertion of new section 4A and 4B.- After section 4 of the principal Act, the following new sections 4A and 4B shall be inserted, namely:-

“4A. Transfer of Crusher license:- (1) In case of transfer of crusher license, the licensee shall apply to the Licensing Authority for transfer of license along with,-

(a) non-refundable application fee of rupees twenty-five thousand as a processing fee;

(b) an affidavit by the transferee stating that he shall abide by all the terms, conditions and liabilities or obligations of the license;

(c) an affidavit stating that intending transferee has filed an up-to-date income tax returns, paid the income tax assessed on him and paid the income tax on the basis of self-assessment as provided under the Income-tax Act, 1961 (Central Act No. 43 of 1961);

(d) The transferee shall furnish the proof of documents for having consent of the owner of land on which such crusher is located. Lease on such land extended by the owner in case of leased land.

(e) an affidavit stating that intending Transferee and transferor have paid all the dues payable to the state Government up to the date of make application for transfer.

Provided that, such transfer shall not be allowed unless a survey demarcation is made by the Deputy Director or Senior Geologist of the concerned District along with licensee and intending transferee at licensee’s own expenses.

(2) Where the Licensing authority has given consent for transfer of such license, a transfer of crusher license deed in such form, as may be prescribed, shall be executed within six months from the date of communication or within such further period not exceeding six months as the Licensing Authority may allow in this behalf.

4B. Status of crusher license on death of the licensee.- Where a licensee expires during the currency of crusher license, legal representative shall be eligible for transfer subject to such conditions as may be prescribed.”

6. Substitution of section 5.- section 5 of the principal Act, shall be renumbered as sub-section (1) thereof and,-

(i) in sub-section (1) as to re-numbered, for the words “valid for five years” and for the words “for further period of five years” the words “valid for twenty years” and the words “further period of ten years” shall be substituted.

(ii) after sub-section (1) the following shall be inserted, namely:-

"(2) Subject to payment of such annual regulation fee as may be prescribed, all existing crusher licenses granted before the commencement of Karnataka Stone Crusher Regulation (Amendment) Act, 2020 shall be deemed to have been granted for a period of twenty years from the date of original grant and shall be extended accordingly.

(3) The benefit of extension under sub-section (2) of this section shall also apply,-

(i) for cases where crusher license renewal application was filed before the expiry of such license which is pending consideration before the licensing Authority; and

(ii) for the cases where the licensing Authority has rejected renewal applications solely on the ground of non-filing of such applications three months prior to expiry of such license but has applied for renewal before the expiry of licence as stipulated under sub-section (1), the renewal under clause (ii) shall be subject to payment of the penalty of rupees two lakh.

(4) Upon expiry of the period of crusher license specified in sub-section (1) and (2) of this section, the Licensing Authority may renew the licence on an application for renewal for further period for ten years.”

7. Amendment of section 6.- In section 6 of the principal Act,-

(i) in sub-section (1), in clause (b), for the word “or” the words “and fifty meter from the limits of ” shall be substituted.

(ii) in sub-section (3), after the proviso the following explanation shall be inserted, namely:-

“Explanation: For the purpose of this Act, any habitation, school, temples or road coming up subsequent to declaration of safer zone shall not affect the operation or continuance of such declaration and shall not affect any extension of licence under section 5.”

8. Amendment of section 6A.- In section 6A of the principal Act, in sub-section (2), after clause (2), the following shall be inserted, namely:-

“(2A) Every licensee shall pay such an annual regulation fee as may be prescribed, with effect from the date of commencement of the Karnataka Regulation of Stone Crushers (Amendment) Act, 2020.”

9. Amendment of section 16.- In section 16 of the principal Act, for sub-section (1) the following shall be substituted, namely:-

“16. Penalties.- (1) whoever contravenes the provisions of section 3 shall on conviction be punished with imprisonment for a term which may extend to two years or with fine which may extend upto of two lakh rupees or with both and in case continuing contravention, with and additional fine which may extend to five thousand rupees for every day during which such contravention continues after first such contravention.

(1A) If Licensee contravenes the conditions of the License shall on conviction be punishable with imprisonment for a term which may extend to one year, or with fine of twenty-five thousand rupees or with both and in case of continuing contravention, with an additional fine which may extend to five hundred rupees for every day during which such contravention continues after first such contravention”.

10. Amendment of section 17.-In section 17 of the principal Act, in sub-section (1), for the words “Licensing Authority”, the words “State Government” shall be substituted.

11. Insertion of new section 17-A.- After section 17 of the principal Act, the following shall be inserted, namely:-

“17-A. Compounding of offences.- (1) Any offence punishable under sub-

section (1A) of section 16 may, either before or after the institution of the prosecution, be compounded by the Deputy Director or Senior geologist of the concerned district belonging to Department of Mines and Geology or an officer designated by Government on payment of amount not exceeding the penalty specified in section 16, for credit to the Government.

(2) Where an offence is compounded under sub-section (1) of this section, no proceedings or further proceeding, as the case may be, shall be taken against the offender in respect of the offence so compounded, and the offender, if in custody, shall be released forthwith.”

12. Repeal and savings.- (1)The Regulation of Stone Crushers (Amendment) Ordinance, 2020 (Karnataka Ordinance 03 of 2020) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under principal Act, as amended by this Act.

The above translation of Karnataka kallupudi maduva ghatakagala (crushers) niyantrana (thiddupadi) Adhiniyama, 2020 (Karnataka Act 28 of 2020) shall be authoritative text in the English language under by clause (3) of Article 348 of the Constitution of India.

VAJUBHAI VALA

GOVERNOR OF KARNATAKA

By Order and in the name of
the Governor of Karnataka,

(K. DWARAKANATH BABU)

Secretary to Government
Department of Parliamentary Affairs
and Legislation