

KARNATAKA ACT NO. 8 OF 2012
THE KARNATAKA REGULATION OF STONE CRUSHERS ACT, 2011

Arrangement of Sections

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STATEMENT OF OBJECTS AND REASONS

I

Act 8 of 2012.- The Hon'ble High Court of Karnataka by its order dated:10.7.1998 in Writ Petition No.17078/1997 has directed the State Government to formulate a policy regulating the carrying on the business related to the crushing of stones by prescribing reasonable conditions including guidelines and licenses and their periodical renewals.

It is considered necessary to enact a legislation to provide for,-

- (1) grant of licence for stone crushers;
- (2) establishment of district stone crushers regulation committee;
- (3) inspection of stone crushers;
- (4) victims relief fund;
- (5) appeals against the orders of Licensing Authority;

(6) penalties and certain other consequential matters.As the matter was urgent and both the Houses of the Karnataka State Legislature were not in session, the Karnataka Regulation of Stone Crushers ordinance, 2011. (Karnataka ordinance No.2 of 2011) was promulgated on 07.09.2011.

This bill seeks to replace the said ordinance.

Hence the Bill.

[L.A. Bill No. 38 of 2011, File No.Samvyashae 20 Shasana 2011]

[Entry 23 and 24 of List II of the Seventh Schedule to the Constitution of India.]

II

Amending Act 64 of 2013.- It is considered necessary to amend the Karnataka Regulation of Stone Crushers Act, 2011(Karnataka Act No. 8 of 2012) for the following reasons, namely,-

1. It was difficult to declare safer zones in strict compliance with the conditions stipulated in the Act on account of various administrative reasons, by the Licensing Authority.
2. The Act envisaged identification of safer zone, procurement of land and development of the same for locating stone crushers by the licensing Authority, which has led to delay in declaration of safer zone.
3. As the safer zones could not be developed in time it prevented the shifting of existing stone crushers to the developed safer zones. Because of the same administrative problem licenses could not be issued to the new stone crushers.
4. The above reasons further led to the order of Hon'ble High Court of Karnataka in WP 40894-956/2012 dated 27.03.2013 which in turn resulted in stoppage of large number of crushers leading to scarcity of supply of crushed stone to the developmental projects and construction activities in the State.
5. Non supply of metal has brought infrastructural projects and industrial development to a standstill.

The enactment now provides for the following:-

- (1) Prescribing conditions for declaring areas as safer zone, based on the scientific studies and practices.
- (2) Provision for declaring the existing stone crushers as safer zone if they satisfy the conditions stipulated in this proposed Act/rules.
- (3) The onus of identifying and procuring of land lies on the applicant.
- (4) Emphasis is given on arresting the pollution from the crushers by mandating safeguards to protect the environment rather than prescribing distance only, as the basis of declaring "safer zone".
- (5) The permission from the Karnataka State Pollution Control Board is made compulsory before issue of license.
- (6) Establishment of the District Stone Crushers licensing and regulation Authority to issue license and regulate the business of stone crushing without delay.

Hence the Bill.

[L.A. Bill No. 24 of 2013, File No. Samvyashae 56 Shasana 2013]

[Entry 23 and 24 of List II of the Seventh Schedule to the Constitution of India.]

III

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. 8 OF 2012

(First published in the Karnataka Gazette Extra-ordinary on the fifth day of January, 2012)

THE KARNATAKA REGULATION OF STONE CRUSHERS ACT, 2011

(Received the assent of the Governor on the third day of January, 2012)

(As Amended by Act 08 of 2012, 64 of 2013 and 28 of 2020)

An Act to provide for the Regulation of Stone Crushers in the State of Karnataka.

Whereas the Hon'ble High Court of Karnataka by its order dated: 10.7.1998 in Writ Petition No.17078/1997 has directed the State Government to formulate a policy regulating the carrying on the business related to the crushing of stones by prescribing reasonable conditions including guidelines and licenses and their renewals.

And whereas it is considered necessary to enact a legislation providing for licenses and their renewals in the State of Karnataka and for certain other matters.

Be it enacted by the Karnataka State Legislature in the sixty-second year of Republic of India as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Regulation of Stone Crushers Act, 2011.

(2) It shall be deemed to have come into force with effect from the Seventh day of September, 2011.

2. Definitions.- (1) In this Act, unless there is anything repugnant in the subject or context,-

(a) "Appellate Authority" means the Regional Commissioner of the concerned region;

¹[(b) "Authority" means the District Stone Crushers Licensing and Regulation Authority constituted under section 8;]¹

(c) "Deputy Commissioner" means the Deputy Commissioner of the concerned Revenue District;

(d) "Licence" means a licence granted under this Act;

(e) "Licensee" means a person or a company holding licence under this Act;

¹[(f) "Licensing Authority" means the Authority defined in clause (b);]¹

(g) "Licence fee" means the licence fee payable under this Act;

²[(g-a) "other road" means all other road excluding foot or cart road, and road approaching stone crushers;]²

(h) "Pollution Control Board" means the Karnataka State Pollution Control Board established under the provisions of the Water (Prevention and Control of Pollution) Act, 1974;

(i) "rules" means rules made under this Act;

(j) "safer zone" means a location or a zone declared as such by the Licencing Authority under section 6;

- (k) "stone crusher" means any power driven machinery of any size which crushes stone;
- (l) "year" means year commencing on the first day of April and concluding on 31st day of March of the succeeding year.

(2) All other words and expressions used in this Act but not defined shall have the same meanings respectively assigned to them in the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act 67 of 1957) and rules issued thereunder.

1. substituted by the Act 64 of 2013 w.e.f 26.12.2013

2. Inserted by the Act 28 of 2020 w.e.f 30.03.2020

3. Stone crushers to obtain license.- (1) No person shall carry on the business of stone crushing in the State except under and in accordance with the terms and conditions of a license issued under this Act.

²[(2) xxx

¹[(3) xxx

(4) xxx

(5) xxx

(6) xxx

(7) xxx] ¹] ²

1. substituted by Act 64 of 2013 w.e.f 26.12.2013

2. Omitted by Act 28 of 2020 w.e.f 30.03.2020

4. Application for license.- (1) Every application for grant or renewal of license to carry on the business of stone crushing under this Act shall be made to the licensing authority in such form, in such manner, accompanied by such documents and such fees as may be prescribed. An application for renewal of license shall be made to the licencing authority three months before the expiry of the license.

²[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] ²

¹[(2) on receipt of application for grant or renewal of license, the Licensing Authority shall cause joint inspection of the location under sub-section (3) of section 6. After declaration of safer zone, the licensing authority shall issue a certificate of consent of safer zone to the applicant. If the area proposed in the application is not declared as safer zone, the licensing authority shall reject the application for the reasons to be recorded in writing and inform the applicant accordingly. However, applicant is at liberty to make fresh application for alternate location.

(3) If the Licensing Authority issues a certificate of consent of safer zone, the applicant shall approach The Karnataka State Pollution Control Board and obtain Consent for Operation (CFO) and submit the same to the Licensing Authority.] ¹

1. substituted by Act 64 of 2013 w.e.f 26.12.2013

2. 2. Inserted by Act 28 of 2020 w.e.f 30.03.2020

¹[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.]¹

1. Inserted by Act 28 of 2020 w.e.f 30.03.2020

5. Term of license.- ²[(1)]² A license shall be valid for a period of ³1[twenty years] ¹]³ and may be renewed for a ³1[further period of ten years] ¹]³ subject to fulfilment of the conditions laid down under this Act or the rules made thereunder.

Explanation.- Where a license has been granted in the middle of a year, for the purpose of computing the term of license, the remaining part of the year shall be deemed to be a year.

⁴[(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.]⁴

1. substituted by Act 64 of 2013 w.e.f 26.12.2013

2. Renumbered by Act 28 of 2020 w.e.f 30.03.2020

3. Substituted by Act 28 of 2020 w.e.f 30.03.2020

4. Inserted by Act 28 of 2020 w.e.f 30.03.2020

¹**[6. Conditions for declaring Safer Zone.-** The declaration of safer zone for stone crushers under this Act, shall be subject to the following conditions, namely:-

(1) The safer zone shall not be located within,-

“(a) Two hundred meter from the limits of the National Highways or State Highways;

(b) One hundred meter from the limits of major district roads ²[and fifty meter from the limits of]² other roads;”

(c) Five hundred meter from revenue village, temples, schools;

(d) The boundary of Municipal Corporations, City Municipal Corporation, Town Municipal Council;

(2) Each stone crusher unit shall be located in a minimum area of one acre of land.

(3) The licensing Authority shall, within a period of three months from the date of receiving application, verify the above conditions through joint inspection from the concerned officers of Mines and Geology, Revenue, Forest department and Environmental officer, Karnataka State Pollution Control Board and declare safer zone within their jurisdiction by notification, specifying the area and its limits.

Provided that the Licensing Authority shall declare the safer zone for existing stone crusher within one month in any case not later than three months from the date of receipt of application.]¹

³**[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]³.

1. substituted by Act 64 of 2013 w.e.f 26.12.2013

2. Substituted by Act 28 of 2020 w.e.f 30.03. 2020

3. Inserted by Act 28 of 2020 w.e.f 30.03.2020

¹[6A. Conditions for grant of License.– (1) No License shall be issued for stone crushers outside the safer zone.

(2) The Licensing Authority on production of Consent for Operation (CFO) certificate issued by the Karnataka State Pollution Control Board shall grant license to the applicant in such form as may be prescribed. The licensee shall adhere to the following conditions, namely:-

- (1) each unit shall abide by the provisions of the Air (Prevention and Control of Pollution) Act, 1981 and the Environmental Protection Act, 1986 and rules made there under as prescribed by KSPCB from time to time.
- (2) each unit shall conform to the Noise (Regulations and Control) Rules, 2000.

²**[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.]²

- (3) an individual or cluster of stone crushers shall provide 15 to 20 feet wall/GI sheet protection on all the three sides (parallel to National highway or State highway or major district road or village habitation or temple or school as the case may be) in addition to the air pollution control measures.
- (4) The applicant has to,-
 - (a) adopt necessary dust containment system like building enclosures to the major dust emission sources to prevent dust going out of the place.
 - (b) construct enclosures of G.I.sheets (1.66 mm and 1.25 mm thick) and supported by angle structures to withstand strong wind.
 - (c) give the roof a gradual slope/curvature so as to prevent accumulation of water.
 - (d) Provide material transfer point such as hopper bottom/product unloading conveyor to be covered suitably to prevent dust release into the atmosphere.
 - (e) ensure that where complete enclosures are not possible such as openings in jaw crushers side and bottom they are to be covered suitably with GI sheets/ rubber flap or any other material to prevent dust release into the atmosphere.
 - (f) ensure that telescopic chutes are provided at product unloading conveyor to prevent dust release into the atmosphere during free fall of material from height. These chutes can be adjusted in length according to size of the heap.
 - (g) provide openings in the enclosures over Shafter motor driver conveyor belts etc., with rubber flaps (wherever possible) to prevent release of dust.
 - (h) provide effective dust suppression system comprising of spraying of fine water mist through special nozzles shall be carried out over the dust generation sources to suppress the dust cloud.
 - (i) make periodical cleaning of water spray nozzles to avoid choking.

- (j) provide as an occupational safety, nose masks to all the workers.
- (5) All stone crushing units shall provide adequate green belt comprising evergreen high foliage type of trees like neem, tamarind, gold mohar, flame of the forest and any other local varieties to restrict the spread of particulate matter.]¹

1. substituted by Act 64 of 2013 w.e.f 26.12.2013

2. Inserted by Act 28 of 2020 w.e.f 30.03.2020

7. License for stone crushers for Government projects.- Notwithstanding anything contained in this Act, license for temporary stone crushers exclusively for construction of National Highway, State Highway or any other infra-structural Government project and Government approved Public Private Partnership Projects may be granted for the project period on their fulfilling the provisions of the Air (Prevention and Control of Pollution) Act, 1981 and Environmental Protection Act, 1986 and Rules made thereunder.

¹[8. Establishment of the District Stone Crushers Licensing and Regulation Authority.-

(1) On and from the date of commencement of the Karnataka Regulation of Stone Crushers (Amendment) Act, 2013 there shall be established in each of the revenue District, the District Stone Crushers Licensing and Regulation Authority consisting of the following members, namely:-

- (a) The Deputy Commissioner of the District - Chairman
- (b) The Superintendent of Police of the District -Member ex-officio
- (c) The Chief Executive Officer of
Zilla Panchayat of the District – Member ex-officio
- (d) The Deputy Conservator of Forest of
the concerned jurisdiction - Member ex -officio
- (e) All Assistant Commissioners of the District,
Revenue Department - Member ex- officio
- (f) The Environmental officer,
Karnataka State Pollution Control Board – Member ex-officio
- (g) The Deputy Director/Senior Geologist,
Department of Mines and Geology – Member Secretary

(2) The Member Secretary shall receive all the applications for grant of license and place them before the Authority for decision.

(3)The procedure of transaction of business of the Authority shall be such as may be prescribed.]¹

1. substituted by Act 64 of 2013 w.e.f 26.12.2013

¹[9. Duties of the Authority.- (1) The Authority shall meet once in a month and meeting shall be called by the member secretary. If for any reason it is necessary, the member secretary may with the approval of the chairman, convene the meeting at any time. One third of the total members shall form the quorum for the meetings.

(2) The duties of the Authority shall be,-

- (i) to cause Joint Inspection of stone crushers and obtain report by the concerned officers of Mines and Geology, Revenue, Forest departments and KSPCB to verify the conditions stipulated for declaring the safer zone;
- (ii) to declare the safer zone, which are conforming the norms;
- (iii) to issue Certificate of compliance of safer zone in such form as may be prescribed to the applicants having stone crusher located in declared safer zone;
- (iv) to issue License in the form as may be prescribed;
- (v) to supervise licensed premises and report any violations to the chairman;
- (vi) to suspend/cancel the license for non-compliance of the conditions;
- (vii) to invite any of the officers of any other departments of Government to assist the Authority on any specific issues like computation of compensation, provide technical advice etc.
- (viii) to follow the orders and guidelines issued by the Government from time to time; and
- (ix) to Inspect or authorize an officer to inspect each stone crushers periodically at least once a year.]¹

1. substituted by Act 64 of 2013 w.e.f 26.12.2013

10. Cancellation of license.- The license issued under this Act may be cancelled suo-moto for the reasons to be recorded in writing by the Licensing Authority or on considering any complaint or application filed by any person to the effect that the license granted is not in accordance with the provisions of this Act and rules or that the licensee has violated the conditions of license:

Provided that no order of canceling the license shall be made under this section without giving an opportunity of being heard to the licensee or a person aggrieved by such cancellation.

11. Power to issue directions.- Subject to the provisions of this Act and to any directions that the Central Government or State Government may give in this behalf, the Licensing Authority may in the exercise of its powers and performance of its functions under this Act, issue any directions in writing to any person, officer or authority, and such person, officer or authority shall be bound to comply with such directions.

Explanation.- The power to issue directions under this section shall include, the power to direct,-

- (a) the closure, prohibition or regulation of any stone crusher; or
- (b) the stoppage or regulation of supply of electricity, water or any other service to the stone crusher.

¹[**12. Victim Relief Fund.-** (1) The Authority shall have and maintain a separate fund called Victim Relief Fund, to which all money received by it as application fee, licence fee, fines and penalties levied shall be credited. It shall be, applied and disbursed in accordance with such rules as may be prescribed.

- (2) The Chairman and the member secretary of the Authority shall jointly operate the Victim Relief Fund in accordance with the procedure as may be prescribed.
- (3) The Victim Relief Fund shall be kept in any of the Nationalized Banks in such manner as may be prescribed.
- (4) The Authority shall receive complaints or applications or claim from the victims regarding the health hazards caused by the stone crushers within a period of three months from the date of cause of action and decide the relief or amount of compensation to be granted to the victim or their legal representatives within a period of three months from the date of receipt of such application. The Authority while determining the amount of relief or compensation shall invite one representative of the registered association of stone crusher and one representative of the stone crusher labourers. The Authority is at liberty to condone the delay of filing complaint or application or claim for good and sufficient reasons.
- (5) The Authority may also direct the license holder to pay such amount to such of the victims as determined under sub-section (4) in addition to the amount paid by it, within the time specified by the Authority in its order. Failing which, the amount specified in the order shall be recovered as arrears of Land Revenue and license shall be cancelled.

Provided that the order so passed shall be communicated to all parties concerned, immediately.]¹

1. substituted by Act 64 of 2013 w.e.f 26.12.2013

13. Accounts and Audit.- (1) The Accounts of all receipts and expenditure of the Victim Relief Fund shall be kept in such manner and in such form as may be prescribed.

(2) The accounts of the Victim Relief Fund shall be subject to audit annually by the State Accounts Department and the audit report shall be forwarded annually to the State Government.

¹[**14. Annual Report.-** The Authority shall draw proceedings of each meetings and shall prepare a annual report of its activities under this Act and submit the same to the State Government in such form as may be prescribed, within three months¹ from the end of each financial year.]¹

1. substituted by Act 64 of 2013 w.e.f 26.12.2013

15. Appeals against the orders of the Licensing Authority.- (1) The Regional Commissioner of the concerned region shall be the Appellate Authority of respective jurisdiction to whom appeals in respect of the orders passed by the licensing authority shall lie.

(2) Every appeal shall be presented within thirty days from the date on which the order appealed against was communicated to the person affected:

Provided that an appeal may be admitted after the said period of thirty days, if the appellant show sufficient cause that the appeal could not be presented in time.

(3) Every appeal shall be in the form of memorandum setting forth concisely the grounds of objection to the order and shall be accompanied by a copy of the order appealed against.

(4) The appeal shall be disposed off on hearing both sides within a period of three months.

16. Penalties.- ¹[(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.]¹

1. substituted by Act 28 of 2020 w.e.f 30.03.2020

(2) Any rule made under any provision of this Act may provide that any contravention thereof shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to five thousand rupees or with both and in the case of continuing contravention, with an additional fine which may extend to five hundred rupees for every day during which such contravention continues after conviction for the first such contravention.

17. Cognizance of offences.- (1) No court shall take cognizance of an offence punishable under this Act or any rules made thereunder except upon complaint in writing made by a person authorized in this behalf by the ¹[State Government]¹.

(2) No court other than the Court of Judicial Magistrate first class shall try any offence punishable under this Act.

1. Substituted by Act 28 of 2020 w.e.f 30.03.2020

¹[**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.]¹

1. Inserted by Act 28 of 2020 w.e.f 30.03.2020

18. Power to make rules.- (1) The State Government may, after previous publication by notification, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act, shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following both Houses agree in making any modification

in the rule or both Houses agree that the rule should not be made the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

19. Removal of difficulties.- If any difficulty arises in giving effect to the provision of this Act, the State Government may, by order published in the official Gazette as the occasion may require do anything which appears to it be necessary to remove the difficulty.

20. Repeal and savings.- (1) The Karnataka Regulation of Stone Crushers Ordinance, 2011 (Karnataka Ordinance No.2 of 2011) is hereby repealed.

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

The above translation of ಕರ್ನಾಟಕ ಕಲ್ಲುಪುಡಿ ಮಾಡುವ ಘಟಕಗಳ (ಕ್ರಷರ್‌ಗಳ) ನಿಯಂತ್ರಣ ಅಧಿನಿಯಮ, 2011 (2012ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ: 8) be published in the official Gazette under clause (3) of Article 348 of the Constitution of India.

H.R.BHARDWAJ
GOVERNOR OF KARNATAKA

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

G.K. BOREGOWDA
Secretary to Government,
Department of Parliamentary Affairs and Legislation

KARNATAKA ACT NO. 64 OF 2013

(First Published in the Karnataka Gazette Extra-ordinary on the Twenty sixth day of December, 2013)

THE KARNATAKA REGULATION OF STONE CRUSHERS (AMENDMENT) ACT, 2013

(Received the assent of the Governor on the twenty-third day of December, 2013)

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

Whereas it is expedient 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 sixty fourth 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, 2013.

(2) It shall come into force at once.

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,-

(i) for clause (b), the following shall be substituted, namely:-

"(b) "Authority" means the District Stone Crushers Licensing and Regulation Authority constituted under section 8;"

(ii) for clause (f), the following shall be substituted, namely:-

"(f) "Licensing Authority" means the Authority defined in clause (b);"

3. Amendment of section 3.- In section 3 of the Principal Act,-

(i) in sub-section (2), for the words "for a license under section 4 of the Act within three months from the date of declaration of safer zone under section 6;" the words "with a declaration in the prescribed form that the existing area conforms to the condition stipulated in Section 6 or any other suitable area conforming to the conditions stipulated under section 6, within three months from the date of commencement of the Karnataka Regulation of Stone Crushers (Amendment) Act, 2013 for a license under section 4 of the Act" shall be substituted.

(ii) for sub-section (3), the following shall be substituted, namely:-

"(3) on receipt of the application along with declaration under sub-section (2), the existing stone crusher units may be allowed to function till the grant or refusal of Certificate of compliance of safer zone under sub-section (4) by the Authority or till three months from the date of application, whichever is earlier."

(iii) for sub-section (4), the following shall be substituted, namely:-

"(4) on receipt of application under sub-section (2) or for renewal of license, the Licensing Authority shall cause joint inspection of the location under sub-section (3) of section 6 and declaration of safer zone, the licensing authority shall issue a certificate of compliance of safer zone to the applicant. If the area specified in the declaration is not declared as safer zone the licensing authority shall reject the application for the reasons to be recorded in writing and inform the applicant accordingly. However, applicant is at liberty to make fresh application for alternate location. provided further that if the application is rejected, the applicant shall stop the operation of stone crusher forthwith and submit fresh application to the licensing authority.

(5) If the Licensing Authority issues a certificate of compliance of safer zone, the applicant shall approach the Karnataka State Pollution Control Board and obtain Consent for Operation (CFO) and submit the same to the Licensing Authority.

(6) The Licensing Authority, after production of Consent for Operation (CFO) from the Karnataka State Pollution Control Board by the applicant, shall issue license subject to compliance of conditions specified in section 6A.

- (7) If the person having existing stone crusher gets any other place certified as safer zone by the Licensing Authority other than the presently working place, such crusher shall be shifted to such safer zone so certified within one year from the date of grant of certificate of compliance of safer zone under sub-section (4).”

4. Amendment of section 4. - In section 4 of the Principal Act,-

(i) for sub-section (2), the following shall be substituted, namely:-

“(2) on receipt of application for grant or renewal of license, the Licensing Authority shall cause joint inspection of the location under sub-section (3) of section 6. After declaration of safer zone, the licensing authority shall issue a certificate of consent of safer zone to the applicant. If the area proposed in the application is not declared as safer zone, the licensing authority shall reject the application for the reasons to be recorded in writing and inform the applicant accordingly. However, applicant is at liberty to make fresh application for alternate location.

(3) If the Licensing Authority issues a certificate of consent of safer zone, the applicant shall approach The Karnataka State Pollution Control Board and obtain Consent for Operation (CFO) and submit the same to the Licensing Authority.”

5. Amendment of section 5.- In section 5 of the Principal Act, for the words "three years" occurring in two places, the words "five years" shall be substituted.

6. Amendment of section 6.- For section 6 of the Principal Act, the following shall be substituted, namely:-

“6. Conditions for declaring Safer Zone.- The declaration of safer zone for stone crushers under this Act, shall be subject to the following conditions, namely:-

(1) The safer zone shall not be located within,-

“(a) Two hundred meter from the limits of the National Highways or State Highways;

(b) One hundred meter from the limits of major district roads or other roads;”

(c) Five hundred meter from revenue village, temples, schools;

(d) The boundary of Municipal Corporations, City Municipal Corporation, Town Municipal Council;

(4) Each stone crusher unit shall be located in a minimum area of one acre of land.

(5) The licensing Authority shall, within a period of three months from the date of receiving application, verify the above conditions through joint inspection from the concerned officers of Mines and Geology, Revenue, Forest department and Environmental officer, Karnataka State Pollution Control Board and declare safer zone within their jurisdiction by notification, specifying the area and its limits.

Provided that the Licensing Authority shall declare the safer zone for existing stone crusher within one month in any case not later than three months from the date of receipt of application.

6A. Conditions for grant of License. – (1) No License shall be issued for stone crushers outside the safer zone.

(2) The Licensing Authority on production of Consent for Operation (CFO) certificate issued by the Karnataka State Pollution Control Board shall grant license to the applicant in such form as may be prescribed. The licensee shall adhere to the following conditions, namely:-

- (6) each unit shall abide by the provisions of the Air (Prevention and Control of Pollution) Act, 1981 and the Environmental Protection Act, 1986 and rules made there under as prescribed by KSPCB from time to time.
- (7) each unit shall conform to the Noise (Regulations and Control) Rules, 2000.
- (8) an individual or cluster of stone crushers shall provide 15 to 20 feet wall/GI sheet protection on all the three sides (parallel to National highway or State highway or major district road or village habitation or temple or school as the case may be) in addition to the air pollution control measures.
- (9) The applicant has to,-
 - (k) adopt necessary dust containment system like building enclosures to the major dust emission sources to prevent dust going out of the place.
 - (l) construct enclosures of G.I.sheets (1.66 mm and 1.25 mm thick) and supported by angle structures to withstand strong wind.
 - (m) give the roof a gradual slope/curvature so as to prevent accumulation of water.
 - (n) Provide material transfer point such as hopper bottom/product unloading conveyor to be covered suitably to prevent dust release into the atmosphere.
 - (o) ensure that where complete enclosures are not possible such as openings in jaw crushers side and bottom they are to be covered suitably with GI sheets/ rubber flap or any other material to prevent dust release into the atmosphere.
 - (p) ensure that telescopic chutes are provided at product unloading conveyor to prevent dust release into the atmosphere during free fall of material from height. These chutes can be adjusted in length according to size of the heap.
 - (q) provide openings in the enclosures over Shafter motor driver conveyor belts etc., with rubber flaps (wherever possible) to prevent release of dust.
 - (r) provide effective dust suppression system comprising of spraying of fine water mist through special nozzles shall be carried out over the dust generation sources to suppress the dust cloud.
 - (s) make periodical cleaning of water spray nozzles to avoid choking.
 - (t) provide as an occupational safety, nose masks to all the workers.
- (10) All stone crushing units shall provide adequate green belt comprising evergreen high foliage type of trees like neem, tamarind, gold mohar, flame of the forest and any other local varieties to restrict the spread of particulate matter.”

7. Amendment to section 8.- For section 8 of the Principal Act, the following shall be substituted, namely :-

"8. Establishment of the District Stone Crushers Licensing and Regulation Authority.-

(1) On and from the date of commencement of the Karnataka Regulation of Stone Crushers (Amendment) Act, 2013 there shall be established in each of the revenue District, the District Stone Crushers Licensing and Regulation Authority consisting of the following members, namely:-

- (e) The Deputy Commissioner of the District - Chairman
 - (f) The Superintendent of Police of the District -Member ex-officio
 - (g) The Chief Executive Officer of
Zilla Panchayat of the District – Member ex-officio
 - (h) The Deputy Conservator of Forest of
the concerned jurisdiction - Member ex -officio
 - (e) All Assistant Commissioners of the District,
Revenue Department - Member ex- officio
 - (f) The Environmental officer,
Karnataka State Pollution Control Board – Member ex-officio
 - (g) The Deputy Director/Senior Geologist,
Department of Mines and Geology – Member Secretary
- (2) The Member Secretary shall receive all the applications for grant of license and place them before the Authority for decision.
- (3) The procedure of transaction of business of the Authority shall be such as may be prescribed."

8. Amendment of section 9.- For section 9 of the Principal Act, the following shall be substituted, namely:-

"9. Duties of the Authority.- (1) The Authority shall meet once in a month and meeting shall be called by the member secretary. If for any reason it is necessary, the member secretary may with the approval of the chairman, convene the meeting at any time. One third of the total members shall form the quorum for the meetings.

(2) The duties of the Authority shall be,-

- (x) to cause Joint Inspection of stone crushers and obtain report by the concerned officers of Mines and Geology, Revenue, Forest departments and KSPCB to verify the conditions stipulated for declaring the safer zone;
- (xi) to declare the safer zone, which are conforming the norms;
- (xii) to issue Certificate of compliance of safer zone in such form as may be prescribed to the applicants having stone crusher located in declared safer zone;
- (xiii) to issue License in the form as may be prescribed;

- (xiv) to supervise licensed premises and report any violations to the chairman;
- (xv) to suspend/cancel the license for non-compliance of the conditions;
- (xvi) to invite any of the officers of any other departments of Government to assist the Authority on any specific issues like computation of compensation, provide technical advice etc.
- (xvii) to follow the orders and guidelines issued by the Government from time to time; and
- (xviii) to inspect or authorize an officer to inspect each stone crushers periodically at least once a year."

9. Amendment of section 12.- For section 12 of the Principal Act, the following shall be substituted, namely:-

"12. Victim Relief Fund.- (1) The Authority shall have and maintain a separate fund called Victim Relief Fund, to which all money received by it as application fee, licence fee, fines and penalties levied shall be credited. It shall be, applied and disbursed in accordance with such rules as may be prescribed.

- (2) The Chairman and the member secretary of the Authority shall jointly operate the Victim Relief Fund in accordance with the procedure as may be prescribed.
- (3) The Victim Relief Fund shall be kept in any of the Nationalized Banks in such manner as may be prescribed.
- (4) The Authority shall receive complaints or applications or claim from the victims regarding the health hazards caused by the stone crushers within a period of three months from the date of cause of action and decide the relief or amount of compensation to be granted to the victim or their legal representatives within a period of three months from the date of receipt of such application. The Authority while determining the amount of relief or compensation shall invite one representative of the registered association of stone crusher and one representative of the stone crusher labourers. The Authority is at liberty to condone the delay of filing complaint or application or claim for good and sufficient reasons.
- (6) The Authority may also direct the license holder to pay such amount to such of the victims as determined under sub-section (4) in addition to the amount paid by it, within the time specified by the Authority in its order. Failing which, the amount specified in the order shall be recovered as arrears of Land Revenue and license shall be cancelled.

Provided that the order so passed shall be communicated to all parties concerned, immediately."

10. Amendment of section 14.- For section 14 of the Principal Act, the following shall be substituted, namely:-

"14. **Annual Report.**- The Authority shall draw proceedings of each meetings and shall prepare a annual report of its activities under this Act and submit the same to the State Government in such form as may be prescribed, within three months from the end of each financial year."

The above translation of the ಕರ್ನಾಟಕ ಕಲ್ಪಪುಡಿ ಮಾಡುವ ಘಟಕಗಳ (ಕ್ರಷರ್‌ಗಳ) ನಿಯಂತ್ರಣ (ತಿದ್ದುಪಡಿ) ಅಧಿನಿಯಮ, 2013 (2013ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ: 64) be published in the Official Gazette under clause (3) of Article 348 of the Constitution of India.

Sections 2, 3, 4, 5, 6, 6A, 8, 9, 12, 14, are incorporated in the Principal Act,

H.R.BHARDWAJ
GOVERNOR OF KARNATAKA

By Order and in the name of the Governor of Karnataka

S.B. GUNJIGAVI
Secretary to Government
Department of Parliamentary Affairs and Legislation

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.

Sections 2, 3, 4, 4A, 4B, 5, 6, 6A, 16,17 and 17-A are incorporated in the Principal Act.

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