



**KARNATAKA LEGISLATIVE ASSEMBLY
FOURTEENTH LEGISLATIVE ASSEMBLY
SECOND SESSION**

**THE KARNATAKA REGULATION OF STONE CRUSHERS (AMENDMENT)
BILL, 2013
(L.A. Bill No. 24 of 2013)**

A Bill 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) One hundred meter from the National Highways, State Highways (from the centre line of roads).
 - (b) Fifty meters from 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;
- (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.

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.
- (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."

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:-

- (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."

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,-
- (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."

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.
- (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."

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."

STATEMENT OF OBJECTS AND REASONS

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) Empasis 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.

FINANCIAL MEMORANDUM

There is no extra expenditure involved in the legislative measure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3:	In sub-section (2) of section 3 sought to be amended by sub-clause (i), empowers the State Government to make rules regarding the form of declaration by the existing stone crusher.
Clause 7:	Sub-section (3) of section 8 sought to be substituted empowers the State Government to make rules regarding the procedure for transaction of business of the authority.
Clause 8:	In sub-section (2) of Section 9 sought to be substituted,- (i) item (iii) empowers the State Government to make rules regarding the form of Certificate of Compliance of Safer Zone. (ii) item (iv) empowers the State Government to make rules regarding the form of licence.
Clause 9:	In section 12 sought to be substituted,- (i) Sub-section (1) empowers the State Government to make rules regarding the manner of applying and disbursement from Victim Relief Fund. (ii) Sub-section (2) empowers the State Government to make rules regarding the procedure of operating the Victim Relief Fund. (iii) Sub-section (3) empowers the State Government to make rules regarding the manner of depositing the amount of the Victim Relief Fund.
Clause 10:	Section 14 sought to be substituted empowers the State Government to make rules regarding the Form of submitting Annual Report of the Authority.

The proposed delegation of legislative power is normal in character.

SIDDARAMAIAH

Chief Minister

P. OMPRAKASHA

Secretary

Karnataka Legislative Assembly

(d) eight kilometers away from the limits of Municipal Corporations:

- (e) four kilometers away from the limits of District Head Quarters;
- (f) two kilometers away from the boundary limits of a Taluk Head Quarters;
- (g) one kilometer away from the limits of an inhabited village or any land recorded as forest in Government records or any private land which is shown as cultivable land in the revenue records;

(3) No two safer zones shall be located within a radius of fifty kilometres.

(4) The Licencing Authority shall, within a period of four months from the date of commencement of this Act, identify and declare the safer zones by notification specifying the area and limits within their jurisdiction:

Provided that the Licencing Authority may in exceptional circumstances and for the reasons to be recorded in writing may relax any of the condition or conditions specified in sub-section (2) and sub-section (3) for the purpose of declaration of safer zones.

(5) The Licencing Authority shall send the proposal of declaration of safer zone under sub-section (4), to the pollution control Board for its certification. On receipt of the proposal by the pollution control Board or where three months have lapsed from the date of the proposal and no communication has been received by the Licencing Authority, the Licencing Authority shall by notification declare the safer zone in accordance with the proposal.

(6) Each stone crusher unit shall be located in a minimum area of one acre of land including stone crushers belonging to State Government or the Panchayat as the case may be.

(7) Each unit shall abide by the pollution control measures or such other safeguards as may be prescribed by the Karnataka State Pollution Control Board from time to time.

(8) Each unit shall conform to the Noise (Regulations and Control) Rules, 2000.

(9) The unit shall abide by the provisions of the Air (Prevention and Control of Pollution) Act, 1981 and the Environment Protection Act, 1986 and rules made thereunder.

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8. Establishment of District Stone Crushers Regulation Committee.- (1) On and from the date of commencement of this Act, there shall be established in each of the Revenue District a District Stone Crushers Regulation Committee consisting of the following, namely:-

(a)	The Deputy Commissioner of the District	Chairman
(b)	Superintendent of Police of the District	Member ex-officio
(c)	CEO of Zilla Panchayath of the District	Member ex-officio
(d)	Deputy Conservator of Forest of the District	Member ex-officio
(e)	Environmental Officer of the District	Member ex-officio
(f)	Assistant Director of Fire Force of the District	Member ex-officio

(g)	Assistant Director of Factories and Boilers of the District	Member ex-officio
(h)	Labour Officer in charge of the District	Member ex-officio
(i)	District Health Officer	Member ex-officio
(j)	Deputy Director / Senior Geologist, Department of Mines and Geology to be appointed by the Chairman	Member-Secretary

9. Inspection and regulation of the licensed Stone Crushers.- The Deputy Commissioner or an officer authorized by the Deputy Commissioner shall inspect each stone crusher at least once a year.

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12. Victim Relief Fund.- (1) The Committee shall have and maintain a separate fund called Victim Relief Fund, to which shall be credited all moneys received by it through licence fee, fines and penalties levied by it, which shall be held, applied and disbursed in accordance with the provisions of this Act, and rules made thereunder.

(2) The Chairman and the member secretary of the Committee shall operate the Victim Relief Fund in accordance with the rules made under this Act.

(3) The Victim Relief Fund shall be kept in any of the Nationalized Bank in such manner as may be prescribed.

(4) The Committee shall receive complaints or applications or claim from the victims on account of the health hazard caused by the stone crushers within a period of three months from the date the health hazard has occurred and consider such applications and determine the amount of relief to be granted to each of the applicant within a period of three months from the date of receipt of the application in accordance with the rules as may be prescribed:

Provided that the Committee may entertain such complaints or applications after the expiry of three months if it is satisfied that the complainant or applicant had sufficient cause for not submitting the complaint or application in time.

(5) The Committee may also direct the licence 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 a period of two months from the date of the Order failing which the license shall be cancelled.

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14. Annual report.- The committee shall prepare for every year a report of its activities under this Act and submit the same to the State Government in such form on or before such date as may be prescribed and the State Government shall cause the same to be laid before each house of the legislature.

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