RNI No. KARBIL/2001/47147

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COMMERCE AND INDUSTRIES SECRETARIAT

NOTIFICATION

No. CI 20 MMN 2014, Bangalore, Dated: 06.02.2014

Whereas the draft of the Karnataka Regulation of Stone Crushers (Amendment) Rules, 2014 was published as required by sub-section (1) of section 18 of the Karnataka Regulation of Stone Crushers Act, 2011 (Karnataka Act 08 of 2012)in Notification No.CI 20 MMN 2014 dated 21.01.2014 in Part IVA of Special Karnataka Gazette dated 21.01.2014 inviting objections and suggestions from persons likely to be affected thereby within fifteen days from the date of its publication in the Official Gazette.

And whereas the objections and suggestions received in respect of said Draft have been considered by the State Government.

Now, therefore in exercise of the powers conferred by Sub-Section (1) of Section 18 of the said Act, 2011(Karnataka Act 8 of 2012) the Government of Karnataka hereby makes the following rules, namely:-

RULES

1. Title and commencement: - (1) These rules may be called the Karnataka Regulation of Stone Crushers (Amendment) Rules, 2014.

2. Amendment of rule 2. - In the Karnataka Regulation of Stone Crushers Rules, 2012, (hereinafter referred to as the said rules), in rule 2,-

(i) in sub-rule (1), for clause (b), the following shall be substituted, namely:-

"(b) "revenue village" means the limits ofgram thana in accordance with the revenue records and where there is no limit of gram thana, a cluster of houses and the number of houses

as may be decided by the Licensing Authority considering the topography, geography and vegetation for the purpose of the Act and rules;

(b1) "Other roads" means all other roads excluding National Highway, State Highway, cart roads, foot path/roads and roads meant for approaching stone crushers."

3. Amendment of rule 3. - In rule 3 of the said rules,-

(i) in sub-rule (1), after the words, "in Form-A" the words, " and in respect of existing Stone Crushers in Form-A and a declaration in Form-A1 that the existing location of stone crushers or any other suitable area conforms to section 6" shall be inserted;

(ii) for sub-rule (2), the following shall be substituted, namely,-

"(2) On receipt of application for grant or renewal of license in Form-A or in Form-A and Form-A1, it shall be acknowledged in Form-B. The Licensing authority shall cause joint inspection of the location as specified in sub-section (3) of section 6 of the Act and shall issue certificate of compliance of safer zone after notification of safer zone or reject the application within the time specified in the Act. The certificate of compliance shall be in Form-B1 and the refusal shall be in

Form-D.

Explanation: For the purpose of this rule, any habitation, schools, temples established subsequent to issue of Certificate of compliance within the restricted area shall not be considered as contravention."

4. Insertion of new rules 3A, 3B and 3C:-After rule 3 of the said rules, the following new rules shall be inserted, namely:-

"3A.Register of application for license.-The member secretary shall maintain a register of applications received for license in Form-A2.

3B.Registration of Stone Crushing/ Sand Manufacturingunits in ILMS:- Every stone crushing/sand manufacturingunitsas the case may be, intending to utilize minor minerals as raw materials shall be registered with the Integrated Lease Management System of Department of Mines and Geology through concerned Deputy Director/Senior Geologist and shall receive and crush the mineral duly covered byMineral Dispatch Permits and transport the beneficiated/processed mineral productswith computerized mineral dispatch permit.

3C. Mineral Dispatch Permit for Stone Crushing/ sand ManufacturingUnits:-

(1)No crusher licensee shall receive, cause to receive, store or cause to store any mineral or processed mineral in his premises without valid mineral dispatch permits issued in accordance with mineral concession rules.

form in Integrated Lease management system of Mines and Geology department.

(3) Any person intending to transport the beneficiated mineral or any mineral processed in the crusher, shall apply for mineral dispatch release order (MDRO) to the concerned

Senior Geologist/Deputy Director as envisaged in Karnataka Minor Mineral Concession Rules.

(4)The concerned Senior Geologist/Deputy Director shall verify whether the royalty has been paid in respect of the mineral received in the crusherand after satisfying about such payment shall issue the mineral dispatch release order (MDRO) by collectinga processing fee of rupees fifty per Mineral Dispatch Release Order and thereafter the crusher licensee shall generate permits. However the quantity of Mineral Dispatch Release Order shall not exceed the quantity of minor mineral acknowledged in Integrated Lease Management System.

(5)If any mineral or its processed product is found in the premises belonging to crusher licensee, having not been covered under royalty, the competent authority shall after giving an opportunity of hearing initiate penal action under the provisions of the Act."

5. Amendment of rule 4. –In rule 4 of the said rules,-

(i) In sub-rule (1), for the words "committee" the words "Authority" shall be substituted.

(ii) for sub-rule (2), the following shall be substituted, namely.-

"(2) The Authority shall maintain a register of Crusher Victim Claim Petitions in Form-G containing the details of claim petitions under the nomenclature Crusher Victim Claim Petition."

(iii) for sub-rule (5), the following shall be substituted, namely.-

"(5) The Member Secretary shall register the complaints received in the register in Form-G and shall fix the date for hearing in consultation with the Chairman of the authority and issue notice to both the parties.

(5A) The chairman shall;

(1) Place the respondent/owner of the crusher or any representative on his behalf if he fails to appear, asexparte and decide the matter on merits.

(2) Permit on appearance of the respondents/owner of crusher, to file the objections, rejoinder, if any.

(3) Allow both the parties to prove allegations and defence in writing by way of affidavits.

(4) Dismiss the applicationif applicant fails to produce evidence on the date fixed, without reasonable cause.

(5) Permit the parties to examine witnesses and their evidence by way of affidavit.

(6) Permit the opposite party, if desires to cross-examine the other party or witness, by interrogatories. The authority may get the service of any expert and put questions to any of them.

(7) Conduct proceedings in a quasi judicial manner.

(8) Hear the parties or get the written arguments and shall pass orders within 15 days

from the date of arguments.

(9) Communicate the orders passed to all concerned parties under RPAD."

(iv) In sub-rule (7), for the words "application" the words "certificate" shall be substituted.

(v) for sub-rule (8), the following shall be substituted, namely.-

"(8) The authority while granting compensation or relief to the petitioner in a victim claim petition shall take into consideration the facts like, the nature of injury suffered, age, occupation of the victim, money spent or to be spent by the victim, loss of earning capacity in future, income of victim at relevant time and loss of financial or economical support by the victim to their legal representatives, in case of death of victim."

(vi) for sub-rule (9), the following shall be substituted, namely.-

"(9) Any victim relief claim petition shall be disposed of within 180 days from the date of receiving the application. The authority may also pass interim orders if necessary."

(vii) Sub-rule (10) shall be omitted.

6. Insertion of new forms A1 and A2. –After Form A of the said rules, the following new forms shall be inserted, namely:-

"FORM- A1

[see rule 3(1)]

Declaration

From,

…….

…….

…….

To,

The chairman, District stone

Crusher licensing and regulation authority

…….District.

Sir/madam,

I/we hereby declare that the stone crusher established in the name of M/s……locatedin Sy.no……of ……village, ……taluk, ……district over an extent of …….acre is in existence since……..and on the basis of the documents produced herewith;

I certify that conditions stipulated in the Act for declaring the safer zone is complied and I request that safer zone be declared and a certificate is issued to me in this regard;

or

I certify that conditions stipulated in the Act for declaring the safer zone is not satisfactorily complied by the place/land of existing stone crusher mentioned above and therefore I propose the land at Sy.no……of ……..village, ……taluk, ……..district over an extent of ……..acre may be considered for the purpose of declaring the safer zone and issue a certificate in this regard.

.*strike out, whichever is not applicable.

The details are as follows;

Sl. no	Particulars	Prescribed	Existing
1.	The distance from the nearest National Highway	200 meters	
2.	The distance from the nearest State Highway	200 meters	
3.	The distance from the nearest major district road or other roads	100 meters	
4.	The distance from the nearest (i) revenue village (ii)temple (iii)school	 500 meters 500 meters 500 meters	
4.	Whether located outside the limits of Municipal corporation, city municipal corporation, town municipal council, as the case may be	Yes	

5.	Details of license issued by any other authorities prior to commencement of Act. (enclosecopiesif any)		
6.	Extent of land available for establishing stone crusher	Minimum 1 acre	
7.	Reasons for non-compliance of the conditions stipulated in the Act/any other documents enclosed in support of compliance of conditions stipulated in the Act.		
8.	Remarks/any other information		

Mandatory Enclosures;

(1) Revenue or land sketch of the existing crusher/proposed area showing material details.

(2) RTC or property extract of the existing/proposed land.

(3) License/consent copy of any authorities issued for stone crusher before the commencement of the Act.

(4) Consent of land owner if any.

Date:

Place:

Signature of the applicant.

"FORM- A2

[see rule 3A]

Register of application for license

Sl. No	Name of the applicant and address	Details of location applied for establishing stone crusher.						Date of application received	Whether existing /new stone crusher	Date of Certificate of compliance issued and its number	License number and date of issue
		District	Taluk	Village	Sy.No	Extent	land type				

7. Insertion of new form B1. –AfterForm B of the said rules, the following new Form B1 shall be inserted, namely:-

"FORM- B1

[see rule 3(2)]

GOVERNMENT OF KARNATAKA

CERTIFICATE OF COMPLIANCE

Certificate No……

This is to certify that the existing/proposedplace/land for establishing stone crusher by Mr/Mrs/M/S …… in the name of ……situated in Sy.No……..…… of ……..…… village ,……. taluk,……. District is located in declared safer zone and is conforming to the conditions stipulated in the Act.

It is directed that the holder of this certificate shall obtain the Consent for Operation (CFO) from Karnataka State Pollution Control Board and submit the same to Licensing Authority and obtain License in

Form C, upon which he/she shall commence the operation of stone crusher.

This certificate is issued to obtain the CFO and shall not be considered as license to commence the operation of stone crusher.

Date:

Place: Licensing Authority

…..……..Distri

ct.

8. Insertion of new Form G. –After form F of the said rules, the following shall be inserted, namely:-

"FORM- G

[see rule

4(2)]

Register of Crusher Victim Claim Petitions

Sl. No	Crusher Victim Claim Petition No	Name , age, occupation and address of the claim petitioner	Nature of claim in brief	Details of respondents/crusher	Date of receiving application	Date of disposal	Order in brief	Signature of chairman/ member secretary

By the order and in the name of the Governor of Karnataka

K. VENKATESH

Desk Officer (Mines)

Commerce and Industries Dept.

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