

**KARNATAKA ORDINANCE NO. 03 OF 2020**

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

(Promulgated by the Governor of Karnataka in the Seventy first year of the Republic of India and First published in the Karnataka Gazette Extra-ordinary on the 31<sup>st</sup> day of March, 2020)

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

Whereas both the Houses of the state legislature are not in session and His Excellency the Governor of Karnataka is satisfied that the circumstances exist which render it necessary for him to take immediate action, further to amend the Karnataka Regulation of Stone Crushers Act, 2011. (Karnataka Act 08 of 2012) for the purposes hereinafter appearing;

Now, therefore in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, His Excellency the Governor of Karnataka is pleased to promulgate the following Ordinance, namely:-

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

(2) It shall come into force with effect from 30<sup>th</sup> 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) Ordinance, 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-filling 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) Ordinance, 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 rupee 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."

**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.