

The Haryana Regulation and Control of Crushers Act, 1991

HARYANA

India

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Act 15 of 1992

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The Haryana Regulation and Control of Crushers Act, 1991 Haryana Act No. 15 of 1992 Statement of Objects and Reasons. - In order to regulate the installation and working of crushers crushing minerals and minor minerals including stone, it was felt necessary that the existing crushers should be shifted to crusher zones to be declared by the State Government away from the roads, inhabited sites etc. The future installation of crushers shall also be in such crusher zones. In order to achieve this object, Haryana Regulation and Control of Crushers Act, 1991 is being enacted. Hence this Bill. Received the assent of the President of India on the 31st July, 1992 and was published in the Haryana Gazette (Extraordinary), Legislative Supplement, Part I, dated August 17, 1992/Sravana 26, 1914. An Act to provide for the control of location, installation or working of crushers and their licensing in the State of Haryana. Be it enacted by the Legislature of the State of Haryana in the Forty-second Year of the Republic of India as follows :-

1. Short title.

- This Act may be called the Haryana Regulation and Control of Crushers Act, 1991.

2. Definitions.

- In this Act, unless the context otherwise requires, -(a)"crusher" includes any power run machinery of any size which crushes any mineral or minor mineral;(b)"crusher zone" means a zone or area which the State Government may, by notification in the Official Gazette, declare or specify for location, installation or working of crushers;(c)"Director" means the Director of Mines and Geology;(d)"licence" means a licence granted by the Director;(e)"minerals" or "minor minerals" shall have the meanings respectively assigned to them under the Mines and Minerals (Regulation and Development) Act, 1957;(f)"owner" means any person who is the proprietor or lessee or occupier or managing agent or principal officer of a company-owned crusher or part thereof, and in

case of a crusher, the business whereof is being carried on by a liquidator or receiver, such liquidator or receiver;(g)"prescribed" means prescribed by rules made under this Act;(h)"State Government" means the Government of the State of Haryana.

3. Licensing of crushers.

- After the commencement of this Act, no person shall install or run any crusher in any area within the State of Haryana unless he obtains a licence or gets his licence renewed from the Director under this Act on such terms and conditions as may be prescribed :Provided that licence shall be given only to those owners of the crushers which are installed in the crusher zone :Provided further that any owner who is running a crusher at the commencement of this Act, shall have to obtain a licence within a period of three months if he is allowed to run the crusher at the site where it is installed, or within a period of six months, in case relocation of crusher in the crusher zone is required, after such commencement.

4. Grant or refusal of licence.

(1)An application for the grant or renewal of a licence shall be made to the Director in such form and manner accompanied with such fee as may be prescribed.(2)The Director may grant or renew or refuse to grant or renew a licence in such form and manner as may be prescribed, taking into consideration various factors relating to general health of public or crops or private or public properties or forest, nurseries or wildlife :Provided that before refusing to grant or renew a licence a reasonable opportunity of being heard shall be afforded to every applicant.(3)In case of a new crusher, Haryana State Electricity Board shall release the electric connection or grant permission for captive generation of power to the owner to run the crusher only when he produces a copy of the licence issued by the Director under sub-section (2).(4)In case of refusal to grant or renew the licence to the existing crusher, the Director shall immediately after passing the order under sub-section (2), forward a copy of his order to Haryana State Electricity Board who shall disconnect the power connection or cancel the permission for captive generation of power to run the crusher.(5)If an owner who is running a crusher at the commencement of this Act, does not apply and obtain a licence within the stipulated period as provided under Section 3, he shall not be allowed to run his crusher beyond this period and proceedings under sub-section (4) of this section and Section 12 shall be initiated against him :Provided that before proceeding under sub-section (4) of Section 12, the owner shall be afforded a reasonable opportunity of being heard.

5. Period of licence.

- The licence shall be valid for a period of three years from the date of grant. It may be renewed for a period of three years from time to time by the Director subject to the payment of such fee and fulfilment of such conditions as may be prescribed.

6. Access to crusher by inspecting staff.

- The owner of the crusher shall provide to the inspecting staff access to the crusher to facilitate the inspection in the matters relating to the operation of crusher viz. quantum of minerals or minor minerals crushed per day, electricity consumed, oil and lubricants used for captive generation of power, provision of first aid facilities and arrangements for suppression of dust or relating to any other matter, as may be prescribed.

7. Reports and returns of the licensees.

- The reports and returns, relating to quantum of minerals or minor minerals crushed per day, electricity consumed, power generated in case of captive power generated run crusher, number of labour employed and wages paid and any other matter, shall be submitted by the licensees within such period and to such authority as may be prescribed.

8. Maintenance of registers and records.

- The licensee shall keep the registers and records in respect of matters relating to electricity consumed, power generated in case of captive power generated run crusher, number of labour employed and wages paid and any other related matter, in such form and manner as may be prescribed.

9. Delegation of powers.

- The Director may, by an order in writing, direct that all or any of his powers exercisable by him under this Act or rules made thereunder in relation to such matters and subject to such conditions, if any, as may be specified, in the order, be also exercised by any officer or authority subordinate to him.

10. Appeal.

(1) any person aggrieved by an order made by the Director or any officer authorised by him in this behalf may, within a period of sixty days of communication to him of such order, prefer an appeal to the State Government in such form and manner as may be prescribed :Provided that the State Government may entertain an appeal after the expiry of the said period of sixty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.(2) The State Government may, suo moto, at any time, call for the record of any proceedings which is pending before the Director or in which the Director has passed any order for the purpose of satisfying itself as to the legality or propriety of such order and may pass such order in relation thereto as it thinks fit :Provided that the State Government shall not pass an order under this section prejudicial to any party without giving such party a reasonable opportunity of being heard.

11. Incentives.

- In case an owner of installation of crusher in the crusher zone obtains a licence under this Act, he shall be entitled to the following incentives :-(a)rebate of 5 per cent of annual contract money in case of quarrying contract granted under Rule 30 of the Punjab Minor Mineral Concession Rules, 1964, subject to a maximum of Rs. 50,000 (Rupees fifty thousand only); provided quarrying contract is obtained for feeding the crusher in the crusher zone;(b)cash subsidy, exemption/deferment of sales tax and electricity duty as admissible to the industries under various incentive schemes of the Industries Department of the State Government.

12. Penalty.

- Whoever contravenes any of the provisions of Section 3 of this Act, shall be punishable with imprisonment for a term which may extend to two years, and shall also be liable to a fine, which may extend to ten thousand rupees. In case of non-payment of fine, he shall be punishable with a further imprisonment which may extend to six months.

13. Cognizance of offence.

- No Court shall take cognizance of an offence punishable under this Act except upon complaint in writing made by the Director or any officer authorised by him in this behalf by general or special order, within six months of the date from which the offence is alleged to have been committed.

14. Protection of action taken in good faith.

(1)No suit, prosecution or other legal proceedings shall lie against any person for anything done or intended to be done in pursuance of this Act or any rule or order made thereunder.(2)No suit or other legal proceedings shall lie against the Government or the Director or any other person in respect of any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

15. Removal of difficulties.

- If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty.

16. Power to make rules.

(1)The State Government may, by notification in the Official Gazette, make rules carrying out the purposes of this Act.(2)In particular, and without prejudice to the generality of the foregoing provisions, such rules may provide for all or any of the following matters, namely :-(a)the form and manner in which the application for grant or renewal of a licence may be made;(b)the form and manner in which the licence may be granted or renewed;(c)the terms and conditions subject to

which the licence may be granted or renewed;(d)access to the crusher by the licensee to the person deputed by the Director for the purpose of undertaking inspection in matters relating to running of crushers;(e)the fee for the grant or renewal of licence and the procedure for collection of such fee;(f)period within which the reports and statements to be submitted by the licensees and the authority to which such reports and statements shall be submitted;(g)the form and manner of registers and records to be maintained;(h)the form and manner in which the appeal may be filed;(i)any other matter which is to be or may be prescribed under this Act.