

A
BILL

*to regulate the installation and operation of the power
crushers in the Province of the Khyber Pakhtunkhwa.*

Preamble. --- WHEREAS it is expedient to regulate installation and operation of the power crushers in the Province of the Khyber Pakhtunkhwa in the manner hereinafter appearing and for matters connected therewith or incidental thereto;

It is hereby enacted as follows:

CHAPTER -1
PRELIMINARY

1. Short title, extent, application and commencement. --- (1) This Act may be called the Khyber Pakhtunkhwa Power Crushers (Installation, Operation and Regulation) Act, 2019.

(2) It shall extend to whole of the Province of the Khyber Pakhtunkhwa.

(3) It shall apply to all forms of power crushers used in cutting, refinement, crushing, grinding of stones, minerals and rocks.

(4) It shall come into force at once.

2. Definitions. --- In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say-

(a) “Appellate Authority” means the Secretary to Government, Industries, Commerce and Technical Education Department, Khyber Pakhtunkhwa;

(b) “authorized officer” means an officer authorized by the Licensing Authority under section 14 of this Act;

(c) “Government” means the Government of the Khyber Pakhtunkhwa;

(d) “licensee” means a person to whom a license for the purpose of installation and operation of power crusher is granted by Licensing Authority under this Act;

- (e) “Licensing Authority” means the Director Industries and Commerce, Khyber Pakhtunkhwa;
- (f) “person” means and includes an individual, a company, a firm or an association etc. registered under the relevant law for the time being in force;
- (g) “power crusher” means any machine, either driven by electrical power or other mechanical process or device, used for crushing, cutting, grinding or refining of stones, minerals and rocks;
- (h) “premises” means a place where a power crusher is installed and operated;
- (i) “prescribed” means prescribed by rules; and
- (j) “rules” mean rules made under this Act.

CHAPTER- II **LICENSING**

3. Installation or operation of power crushers. --- No person shall install or operate a power crusher unless he has a valid license granted by the Licensing Authority under this Act.

4. Power to grant license. --- The Licensing Authority shall have the power to grant a license to a person for installation and operation of power crusher.

5. Procedure for a grant of license.--- (1) Any person who intends to install a power crusher shall apply to the Licensing Authority for the grant of license in the prescribed manner:

Provided that a person who is already operating a power crusher without a license shall, on commencement of this Act, apply to the Licensing Authority within thirty from the date of commencement of this Act, for the grant of license and in case of non compliance, such person shall be dealt in the manner as provided in section 11 of this Act.

(2) The application for the grant of license shall be accompanied by such fee, documents and details as may be prescribed.

(3) The Licensing Authority may, after making such inquiry as it may deem appropriate, grant license to person in the manner as may be prescribed.

6. Period of license and its renewal. --- (1) The license granted under this Act shall be valid for a period of one year and shall be renewable every year, on payment of such fee as prescribed for the grant of license.

(2) Application for renewal of license shall be made within thirty days prior to the expiry of the license. On delaying the renewal of license, late payment charges shall be payed in the prescribed manner.

CHAPTER -III **SAFE DISTANCE AND ENVIRONMENTAL COMPLIANCE**

7. Safe distance.--- (1)No license shall be granted for installation and operation of power crusher without maintaining a safe distance as may be prescribed from the location like mosque, school, hospital, canal, tunnel, transmission line, orchard, forest, major road, bridge, human dwelling and any other strategic location.

(2) If any person has installed or intending to install or is operating power crusher without maintaining the safe distance or the power crusher was found causing hazard, the Licensing Authority or authorized officer may pass an order directing such person to shift such power crusher to a safe distance from such a location or may seal the premises.

CHAPTER- IV **RESPONSIBILITY OF LICENSEE.**

8. Responsibility of licensee. --- It shall be the responsibility of the licensee to make arrangement for—

- (a) cleanliness of the premises where power crusher and also provide for spittoons, safety equipment, personal protection equipments like helmets, gloves, glasses, masks, latrines and urinals for workers;
- (b) ventilation, lighting, drinking water as well as artificial umidification;
- (c) compulsory vaccination and inoculation of workers, disposal of dustfumes, noise reduction;

- (d) water and solid waste management plans for the disposal of special focus on its treatment, recycling and re-use in line with best practices in vogue in the Industrial Sector;
- (e) fencing of machinery and fire safety equipment;
- (f) control of pollution, noise, effects of blasting and dust; and
- (g) install water sprayers;
- (h) implementation of environmental protection principles and laws; and
- (i) transfer of trees from the place of installation of power crushers with the help of available technology to other places.

CHAPTER- V **INSPECTIONS AND PUNISHMENTS**

9. Inspections. --- The Licensing Authority or authorized officer may inspect any power crusher for compliance of provisions of this Act and the rules on routine and annual basis in the prescribed manner.

10. Fine, sealing and cancellation of the license ---(1) If, during inspection, a licensee is found in violation of the provisions of this Act and the rules, the Licensing Authority or authorized officer shall impose fine which may extend to five hundred thousand rupees or seal the premises or both.

(2) In addition to the punishment under sub-section (1), the Licensing Authority may, after giving an opportunity of being heard, cancel the license.

11. Refraining or sealing of installation or operation of power crusher without license. --- (1) Any person involved in installation or operation of a power crusher without license, the Licensing Authority or authorized officer may, either pass an order directing such person to stop such installation or operation of such power crusher or seal the premises, as the case may be.

(2) Any person who contravenes any such order passed under sub-section (1), shall be punished with imprisonment for a term which may extend to one year or with a fine which may extend to five hundred thousand rupees or with both.

12. Power of obtaining information and entry. ---(1) For the purpose of giving effect to the provisions of this Act, the Licensing Authority or authorized officer may-

- (a) by order in writing require any person to furnish such information in his possession relating to installation or operation of a power crusher as may be specified in the order; or
- (b) enter or search the premises and take action as may be necessary.

(2) Any person who obstructs the Licensing Authority or authorized officer, while conducting duties under this Act, as the case may be, shall be punishable under section 186 of Pakistan Penal Code 1860, (Act XLV of 1860).

CHAPTER- VI

APPEAL

13. Appeal.--- (1) Any person aggrieved by an order, passed by Licensing Authority or authorized officer, may prefer an appeal within thirty (30) days of the date of the order to the Appellate Authority.

(2) The Appellate Authority may pass any order as it may deem fit after affording an opportunity of being heard to such person. The order of the Appellate Authority on such appeal shall be final.

CHAPTER- VII

MISCELLANEOUS

14. Delegation of powers. --- The Licensing Authority may, by general or special order and subject to such conditions, as may be specified in the order, authorize any officer of the Directorate of Industries and Commerce, Khyber Pakhtunkhwa to exercise such powers and perform such functions and duties in respect of such area or areas of the Province of the Khyber Pakhtunkhwa as specified in the order.

15. Cognizance of offence by Court.--- No Court shall take cognizance of any offence punishable under this Act, except on a complaint in writing, made by the Licensing Authority or authorized officer.

16. Indemnity. --- No suit or other legal proceedings shall lie against the Appellate Authority, the Licensing Authority or an authorized officer in respect of anything done or intended to be done in good faith under this Act and the rules made thereunder.

17. Act to override other laws. --- The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything to the contrary contained in any other law, for the time being in force.

18. Exemption. ---Government may, by notification in the official Gazette, exempt any power crusher or any particular area where the power crusher installed or operated from all or any of the provisions of this Act and the rules.

19. Power to make rules. --- Government may, by notification in the official Gazette, make rules for carrying into effect the provisions of this Act.

20. Repeal and Savings. --- (1) Section 6 of the Khyber Pakhtunkhwa Finance Act, 1995 (Khyber Pakhtunkhwa Act No. I of 1995), is hereby repealed.

(2) Subject to the provisions of this Act, any license, order or rules issued under the repealed section, shall be deemed to have been validly issued under this Act and shall continue to be in force until expired, cancelled, withdrawn or repealed under the provisions of this Act.

BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

(NASRULLAH KHAN KHATTAK)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa