



**GOVERNMENT OF KHYBER PAKHTUNKHWA
INDUSTRIES COMMERCE AND TECHNICAL
EDUCATION DEPARTMENT**

Dated Peshawar the August 31st, 2020.

NOTIFICATION

No. SO-II(IND)11-15/2019/V-V.- In exercise of the powers conferred by section 19 of the Khyber Pakhtunkhwa Power Crushers (Installation, Operation and Regulation) Act, 2020 (Khyber Pakhtunkhwa Act No. I of 2020), the Government of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:

**THE KHYBER PAKHTUNKHWA POWER CRUSHERS
(INSTALLATION, OPERATION AND
REGULATION) RULES, 2020.**

1. Short title and commencement.--(1) These rules may be called the Khyber Pakhtunkhwa Power Crushers (Installation, Operation and Regulation) Rules, 2020.

(2) These shall come in to force at once.

2. Definitions.---In these rules unless there is anything repugnant in the subject or context,-

- (a) “**Act**” means the Khyber Pakhtunkhwa Power Crushers (Installation, Operation and Regulation) Act, 2020;
- (b) “**applicant**” means a person who applies for license under these rules;
- (c) “**human dwelling**” for the purpose of these rules means, a cluster of at least fifty houses;
- (d) “**safe distance**” means the safe distance as given in rule 6 read with Schedule-IV; and
- (e) “**Schedule**” means the Schedule appended to these rules.

3. Procedure for the grant of license.---(1) Any person who intends to obtain a license for installation of a power crusher or renew a license shall apply to the Licensing Authority on the Form as specified in **Schedule-I**.

(2) The Form shall be accompanied by a fee as specified in **Schedule-II** along with the following documents, namely:

- (a) copy of Computerized National Identity Card of owner;
- (b) copy of mutation or lease agreement of the land where the Power Crusher is to be located;
- (c) in case of a Firm or Company, copy of its registration certificate along with list of partners or directors;
- (d) copy of electricity bill, in case the power crusher is already installed;
- (e) the fee deposited through Bank *Challan*;
- (f) copy of No Objection Certificate (NOC) from the Khyber Pakhtunkhwa Environmental Protection Agency; and
- (g) in case of renewal of license, a copy of the previous license.

(3) The Licensing Authority shall examine the application to ensure that it is complete and accompanied by the requisite fee.

(4) In case of any deficiency in the application, the Licensing Authority shall return the same to the applicant for removing the same.

(5) The Licensing Authority after satisfying itself as to the completeness of the application and after conducting an inquiry under sub-section (3) of section 5 of the Act, may grant the license or renew the license, as the case may be, on the format as specified in **Schedule-III**.

4. Procedure of inquiry for grant or renewal of license.---For the purpose of inquiry under sub-section (3) of section 5 of the Act, the Licensing Authority or an officer authorized by it shall proceed to visit the place where the power crusher is installed to ascertain whether the power crusher is actually installed in the place or otherwise.

(2) The Licensing Authority or an officer authorized by it during visit to the place shall-

- (a) examine the power crusher to determine its category;
- (b) check the physical location of the power crusher;
- (c) see whether the safe distance provisions have been observed or otherwise; and
- (d) check whether the standards provided in section 8 of the Act have been complied with or otherwise.

(3) The Licensing Authority or an officer authorized by it, may ask for any information or document as may be required for completion of inquiry.

(4) In case the inquiry under sub-rule (1) has been conducted by an officer authorized by the Licensing Authority, he shall after completion of his inquiry submit a report in this behalf to the Licensing Authority.

5. Conditions of grant or renewal of license.---The license shall be granted or renewed on the following terms and conditions, namely:

- (a) that the license shall not be transferable without prior permission of the Licensing Authority on payment of fee as specified in **Schedule-II**;
- (b) that the license shall be renewed on yearly basis;
- (c) that the license shall be obtained each year by submitting an application to the Licensing Authority at least thirty days before the date of expiry, on payment of fee specified in **Schedule-II**; and
- (d) that in case of delay in renewing the license within the time as mentioned in clause (c), the licensee shall, in addition to the fee, be liable to pay late payment charges as specified in **Schedule-II**.

6. Safe distance for installation of power crusher.---The safe distance for installation of a power crusher from different locations shall be such as specified in **Schedule-IV**.

7. Environmental compliance.---A person operating a power crusher shall, for the purpose of environmental protection and compliance, take the following measures, namely:

- (a) control emission of the power crusher;
- (b) make proper arrangements for the disposal of solid waste and effluents;

- (c) ensure insertion of septic tanks in the premises where the power crusher is located for storage of waste water and debris;
- (d) ensure safety of irrigation channels and rivers from the flow of such effluents; and
- (e) comply with the National Environmental Quality Standards (NEQS) as notified by the Federal Government.

8. Procedure of inspection.---(1)The Licensing Authority or authorized officer, as the case may be, in order to insure the compliance of the Act and these rules, may inspect any power crusher under section 9 of the Act.

- (2) During inspection, the Licensing Authority or authorized officer may-
 - (a) confirm the capacity of production in respect of power of the electric motors of the power crusher to declare its category whether small, medium or large;
 - (b) check the relevant documents or record;
 - (c) require the person in charge of the premises to provide any information or furnish the license; and
 - (d) check whether the power crusher is being operated in accordance the provisions of the Act and these rules.

(3) The owner or in charge of the power crusher shall provide full assistance to the Licensing Authority or the authorized officer, as the case may be, making inspection.

(4) If during inspection the Licensing Authority or the authorized officer, as the case may be, is obstructed, the person causing such obstruction shall be proceeded against under sub-section (2) of section 12 of the Act.

(5) If during inspection it appears to the Licensing Authority or the authorized officer, as the case may be, that the power crusher is being operated in violation of the provisions of the Act or these rules, the Licensing Authority or authorized officer, as the case may be, shall proceed against the owner or manager of the power crusher under the corresponding provisions of the Act.

9. Procedure for prosecution.---(1) No prosecution for an offence punishable under the Act shall be instituted, except on a complaint made by the Licensing Authority or authorized officer, as the case may be.

(2) The complaint shall be in writing and reflect details of violation of the Act and the nature of offence.

(3) The complaint shall be duly signed, sealed and dated by the Licensing Authority or the authorized officer, as the case may be.

(4) On pronouncement of judgment in a case instituted under the Act and these rules, the Court shall send copies thereof to the Licensing Authority, the person concerned and the Collector of the concerned district in which the power crusher is situated.

10. Procedure of sealing.---(1) If the Licensing Authority or authorized officer, as the case may be, finds any Power Crusher violating the provisions of the Act and these rules, he may, if deem appropriate, seal the power crusher in accordance with the provisions of the Act.

(2) No person shall interfere with or break open the power crusher duly sealed by the Licensing Authority or authorized officer, as the case may be, under sub-rule (1) except by an order of the Appellate Authority.

(3) The person who breaks or attempts to break the seal in violation of this rule shall be prosecuted in the manner as provided in rule 9.

(4) If any person breaks or attempts to break the seal, he shall be punishable under sub-section (2) of section 11 of the Act.

11. Procedure for appeal.---(1) An appeal under section 13 shall be submitted to the Appellate Authority by the appellant himself or through counsel.

(2) The appellant shall file three extra copies of the appeal with the Appellate Authority.

(3) The appeal shall be accompanied by-

- (a) a copy of the impugned order;
- (b) a copy of License; and
- (c) a copy of CNIC of the licensee.

(4) On receipt of appeal, the Appellate Authority shall issue notices to the parties and fix a date for hearing of the appeal:

Provided that notice shall be served on the parties in the manner as provided in the Code of Civil Procedure, 1908 (Act No. V of 1908).

(5) On the date fixed both the parties shall appear before the Appellate Authority.

(6) If any of the parties is not present on the date fixed, the Appellate Authority may adjourn the proceedings to a next date.

(7) The Appellate Authority, after being shown cogent reasons, may adjourn the proceedings to a next date on the request of any of the party:

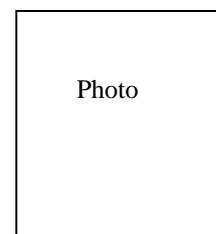
Provided that the proceedings cannot be adjourned more than twice.

(8) If any party fails to appear before the Appellate Authority consecutively on two dates, the Appellate Authority may proceed *ex parte*.

(9) The appeal shall be disposed off by the Appellate Authority within sixty days.

SCHEDULE-I
(see sub-rule (1) of rule 3)

APPLICATION FORM



I apply for the grant of license/renewal of license to enable me to install and operate a Power Crusher for the purpose of Crushing/Cutting/Grinding and Refinement of Stones, minerals, rocks.

1. Applicant's Name; _____
2. Applicant's Profession: _____
3. Applicant's Address: _____
4. Contact No and Email Address: _____
5. Name of the Stone Crusher: _____
6. Purpose: _____
7. Category: (please tick one) Small Medium Large
8. No. of Electric Motors with Power Consumption in HP: _____

9. Coordinates: _____
10. Location where the applicant intends to install and operate the Power Crusher: _____
11. In case of renewal, the No. and date of the previous license: _____

DEPOSITION

I have carefully read the standards, conditions and environmental protection measures of license as given in section 8 of the Act, rules 5, 6 and 7 of these rules and solemnly hereby declare that any violation of the above said shall render me liable for any action under the Act and the rules made thereunder.

I further do hereby solemnly affirm and declare on oath that the contents of the application are true and correct to the best of my knowledge and information and nothing has been concealed from the Licensing Authority.

Signature and thumb impression of the applicant

SCHEDULE-II
(see sub-rule (3) of rule 3)

S.No	Categories of Power Crushers	License Fee	Renewal Fee
1.	Electric Motors Power= up-to 30 HP (Small)	Rs.20,000/-	Rs. 8000 per year
2.	Electric Motors Power= (31-50) HP (Medium)	Rs. 28,000/-	Rs. 15,000 Per year
3.	Electric Motors Power= above 50 HP (Large)	Rs.50,000/-	Rs. 20,000 per year

Fee for transfer of ownership of the Power Crusher
(see clause (a) of rule 5)

S. No.	Category of Power Crusher	Amount of Fee
1.	Large.	Rupees Thirty thousand (30000).
2.	Medium.	Rupees Twenty thousand (20000).
3.	Small.	Rupees fifteen thousand (15000).

- Late payment charges at the rate of 08 % of the total license or renewal fee, as the case may be, per month.
- In case the default on payment of license or renewal fee exceeds eleven months, then double fee shall be charged as late payment charges.

SCHEDULE-III
(see sub-rule (6) of rule 3)



**DIRECTORATE OF INDUSTRIES AND COMMERCE,
GOVERNMENT OF KHYBER PAKHTUNKHWA,
PESHAWAR**

No. _____.

Dated: ____/____/____.

LICENSE

1. Name of the Power Crusher: _____
2. Category: _____
3. No. of Electric Motors with Power Consumption in HP: _____

4. Coordinates: _____
5. Location: _____
6. Name of the Owner / Lease holder: _____
7. Permanent Address: _____
8. Contact No & Email Address: _____
9. No. and date of previous license (if applicable): _____
10. (i) This license is granted to operate Power Crusher in accordance with the Khyber Pakhtunkhwa Power Crushers (Installation, Operation and Regulation) Rules, 2020.
- (ii) The license holder is authorized to Crush, Cut, Grind and Refine Stones, Rocks and Minerals.
- (iii) The license holder is authorized to operate the subject Power Crusher subject to the fulfillment of codal formalities as envisaged in the Khyber Pakhtunkhwa Power Crushers (Installation, Operation and Regulation) Rules, 2020, framed under the Khyber Pakhtunkhwa Power Crushers (Installation, Operation and Regulation) Act, 2020.
- (iv) This license is issued for the current financial year from 1st July ____ to 30th June _____, and shall be renewed afterwards annually as per the rules ibid.

**(LICENCING AUTHORITY)
DIRECTOR INDUSTRIES AND COMMERCE
KHYBERPAKHTUNKHWA**

SCHEDULE-IV

(see rule 6)

Safe distance for installation of Power Crusher

S. No.	Location	Safe distance
1.	School, Mosque, hospital, canal, tunnel, transmission line, orchard, forest, major road and human dwelling in rural areas.	Three hundred (300) meters.
2.	School, Mosque, hospital, canal, tunnel, transmission line, orchard, forest, major road and human dwelling in urban areas.	Five hundred (500) meters.
3.	River bed and roads in hilly areas.	One hundred fifty (150) meters.
4.	River bed in plain areas.	Three hundred (300) meters.

**SECRETARY
TO GOVERNMENT OF KHYBER PAKHTUNKHWA
INDUSTRIES, COMMERCE AND TECHNICAL
EDUCATION DEPARTMENT**

Endst: No. SO-II(IND)11-15/2019/V-V. Dated Peshawar the August 31st, 2020.

Copy forwarded to:

1. Senior Member Board of Revenue Khyber Pakhtunkhwa.
2. All Administrative Secretaries to Government of Khyber Pakhtunkhwa.
3. Principal Secretary to Governor, Khyber Pakhtunkhwa.
4. Principal Secretary to Chief Minister Khyber Pakhtunkhwa.
5. Registrar, Peshawar High Court, Peshawar
6. All Divisional Commissioners in Khyber Pakhtunkhwa.
7. All Deputy Commissioners in Khyber Pakhtunkhwa.
8. Director General Mines and Mineral Khyber Pakhtunkhwa.
9. Director General Environmental Protection Agency Khyber Pakhtunkhwa.
10. Director Industries & Commerce Khyber Pakhtunkhwa.
11. PS to Chief Secretary Khyber Pakhtunkhwa.
12. Assistant Legal Drafter-V Law Department with reference to his letter No. Legis:3(7)2020-Vol-I/5479-82 dated 02-07-2020.
13. The Controller Printing & Stationery Department with the request that the notification may be published in the official Gazette and thirty (30) copies thereof provided to this Department.
14. PS to Secretary Industries, Commerce and Technical Education Department.

SECTION OFFICER-II