

The [Name of Local Government] (Trade of crushing, grinding of stones and quartz material) Bye-Laws, 2018

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[Name of Local Government] (Regulating the Trade of crushing, grinding of stones and quartz materials) Bye laws, 2018

Preamble

WHEREAS certain unfortunate incidents in the shape of loss of human life have been occurred due to silicosis disease, it is, therefore, expedient to control and check the trade of crushing, grinding of stones and quartz materials to safeguard the public health and to regulate the same within the specified parameters;

AND WHEREAS the circumstances exist that render it necessary to take immediate steps to frame the [Name of Local Government] (Regulation of Trade of crushing, grinding of stones and quartz materials) Bye-laws, 2018;

AND WHEREAS under Section 145 read with Part-II of the Seventh Schedule and Eight Schedule of the Punjab Local Government Act, 2013 (XVIII of 2013) [Name of Local Government] may, and if required by the Government shall, make bye-laws not inconsistent with the Act and the rules to give effect to the provisions of the Act.

NOW, THEREFORE, in exercise of the aforesaid powers and all other enabling provisions in this behalf, House of the [Name of Local Government] through resolution No. _____ dated _____ has approved the following bye-laws which are hereby notified.

Mayor/Chairman
[Name of Local Government]

Dated:

1. Short title and commencement.– (1) These Byelaws may be called “[Name of Local Government (Regulating the Trade of crushing, grinding of stones and quartz materials) Bye-laws, 2018].

(2) These Bye-laws shall extend to the whole area of the [Name of Local Government].

(3) These bye-laws shall come into force from the date these are published in the official Gazette.

2. Definitions.– In these bye-laws unless there is anything repugnant in the subject or context, the following expressions shall have the meaning hereby respectively assigned to them:

(a) **“Act”** means the Punjab Local Government Act, 2013 (XVIII of 2013);

(b) **“Dust”** means a cloud of powdered stone / silica raised in the atmosphere as a result of crushing and grinding of stone and quartz materials in a machine to break them into smaller stones and ultimately into powdered form;

(c) **“Government”** means Government of the Punjab;

(d) **“License”** means a permit granted under these bye-laws to carry on the trade;

(e) **“Local Government”** means [Name of Local Government];

(f) **“Municipal Officer (Regulation)”** Municipal Officer/District Officer (Regulation) of the [Name of Local Government];

(g) **“Silica”** means silica dust or crystalline dust, a common mineral in the earth’s crust found in many types of rocks, including sand and quartz materials;

(h) **“Silicosis”** means a lung disease caused by exposure to silica dust or crystalline silica;

(i) **“Trade”** means crushing and grinding of stones and quartz materials.

(2) Words and expressions used herein but not defined in these bye-laws shall have the same meanings as are assigned to them in the Act.

3. Conditions to carry the trade.– No person shall carry on the trade except under and in conformity with the conditions of a license granted under these bye-laws by the Local Government.

4. Prohibited Zone.–

(1) No person shall carry the trade in the following area:

(a) residential or commercial areas; and

(b) within the radius of 500 meters from the shoulders of National Highways / Provincial Highways.

(2) Any restrictions imposed by the Labour Department, Environment Protection Department, Mines and Minerals Department, Communication and Works Department, Primary and Secondary Health Care Department, Development Authority and National Highways Authority or by any law for the time being in force.

(3) Under any executive order issued by the [Name of Local Government].

5. Application for grant of License.– (1) If a person intends to carry on the trade anywhere in the local area of the [Name of Local Government], he shall apply to the Municipal Officer (Regulation) in writing for grant of a license in this behalf.

(2) No application for grant of license shall be entertained unless submitted on prescribed **Form-I** and accompanied by the following documents:

- (a) Copy of CNIC of the applicant;
- (b) Recent three No. of Passport size photographs;
- (c) Title of the property;
Tenancy / Lease Agreement, if any;
- (f) Particulars of the plant to be installed or already installed;
- (g) Location Plan of the premises, (A location plan, drawn to a scale not smaller than 1:1000 showing the position of the premises);
- (h) Detail of the measures to be provided for the disposal of and to prevent nuisance arising from atmospheric pollutants, waste material, effluent, emission, refuse, environmental management plan to control noise, dust and vibrations;
- (i) NOCs from representative of Environment Protection Department, Labour Department, Primary and Secondary Health Care Department and C&W Department at the District level and NHA; and
- (j) Any other particulars, plans or drawings which the Local Government may require.

(3) The Municipal Officer (Regulation) shall send the application for license to Inspector authorized by the Local Government in this behalf who shall inspect the premises and send his report within seven days to Municipal Officer (Regulation).

(4) The Municipal Officer (Regulation) shall within seven days after the receipt of inspection report of the Inspector, either grant license on **Form-II** for a financial year ending 30th of June or refuse the license with reason(s) to be communicated to the applicant in writing on **Form-III**.

(5) The license shall be non-transferable and shall stand terminated automatically on the death of the licensee and the lawful successor(s) shall seek fresh permission to carry on the trade from the Local Government.

6. Fee for License. – (1) Fee for new license and renewal fee shall be levied and collected by the Local Government under sections 115 and 117 of the Act, and the procedure laid down in the Punjab Local Governments (Taxation) Rules, 2016.

(2) The prescribed fee shall be collected and deposited in the local fund of the Local Government before issuance of license.

(3) In case license fee under section 115 of the Act and the Punjab Local Governments (Taxation), Rules 2016, is not levied by [Name of Local Government], it may issue the license without charging any fee for the intervening period till the time such license fee is notified.

7. Notice to Person Carrying on unlicensed Trade. – (1) Any person who was, on the date of notification of these bye-laws carrying on this trade in any part of a local area, shall be bound to immediately apply for a license for carrying on such trade in that part after receiving a notice under the prescribed **Form-IV** in this behalf from the Local Government to do so.

(2) In case of non-compliance, the premises shall be sealed by the Municipal Officer (Regulation) and proceeding under section 132 of the PLGA, 2013 shall be initiated against him.

8. General conditions for License.– (1) The licensee shall:

- (a) maintain material safety data sheets of crushing material (stone/quartz) and display them in Urdu at visible locations at the workplace;
- (b) arrange a thorough Health, Safety and Environment Risk Assessment of the workplace from certified laboratory and take necessary mitigation measures;
- (c) ensure health examination of the workers on bi-annual basis through a registered medical practitioner and maintain the record of each employee especially to control the silicosis;
- (d) provide specialized personal protective equipment to the employees for prevention from dust and silica;
- (e) make available emergency eye wash shower at the workplace;
- (f) ensure proper cross ventilation and well lit premises;
- (g) ensure that no child is employed;
- (h) provide / install dust control devices for the protection of workers and surroundings including wet scrubbers, mechanical scrubbers, dust suction blowers and humidity maintenance, etc.
- (i) observe the prescribed terms and conditions under these bye laws & keep the license in the licensed premises;

- (j) not in any case use or allow to be used licensed premises for any other purpose other than the one for which license has been issued;
- (k) get his license renewed in the month of July each year on payment of prescribed fee;
- (l) intimate the Local Government on closing of the said trade or any change in the premises / location; and
- (m) any other condition which the Local Government may deem appropriate to specify.

(2) This license does not absolve the licensee to obtain other mandatory licenses / permissions / permits to carry out such trade.

9. Inspection of the Licensed Premises and Renewal of License.– The Municipal Officer (Regulation) or any Inspector authorized by the Local Government in this behalf, may inspect any premises, where the trade is being carried on. The Inspecting Officer shall, during the course of inspection, ensure that:

- (i) The license is displayed at a conspicuous place;
- (ii) All terms and conditions required under these bye laws are being followed by the licensee in letter and spirit;
- (iii) The Municipal Officer (Regulation) shall maintain the record of inspections; and
- (iv) The license shall be renewed annually after receiving a satisfactory inspection report.

(2) The Municipal Officer (Regulation) shall maintain the record of inspections on the prescribed **Form-V**.

(3) The Municipal Officer (Regulation) shall conduct inspection of the licensed premises on regular basis to ensure the compliance of conditions and responsibilities assigned to the Licensee.

(4) The license shall be renewed annually after receiving a satisfactory inspection report.

10. Survey and maintenance of record. - The Municipal Officer (Regulation) or an Inspector, authorized by the Local Government in this behalf shall cause the survey to be conducted at the beginning of each financial year to have complete list and particulars of all the person carrying on Trade of crushing, grinding of stones and quartz materials and maintain a complete record thereof.

11. Cancellation of License.– (1) The Municipal Officer (Regulation) or an Inspector authorized by the Local Government in this behalf, may at any time enter into any premises being used for the trade within the jurisdiction of the Local Government.

(2) In case of any serious threat to the public health, safety or welfare or danger to life and property, the Inspector may, in his area of jurisdiction in addition to imposition of fine or initiating prosecution under these bye laws.

- (a) Suspend any work;
- (b) Seize the goods;
- (c) Seal the premises;
- (d) Demolish or remove work; and
- (e) Issue directions for taking corrective measures in the time specified by him.

(2) The Local Government may cancel the license in case of violation of any provision of these bye-laws by the licensee. Before cancellation of license, the licensee shall be informed in writing.

(3) No license shall be cancelled without providing an opportunity of hearing to the licensee.

12. Public awareness.- The Local Government shall make adequate arrangements of public awareness through posters, notice boards, newspapers and electronic media regarding the enforcement of these bye-laws and sensitize the public about possible hazards of crushing, grinding of stones and quartz materials without proper safeguard for the workers engaged in the trade as well as for the inhabitants of surrounding areas.

13. Appeals.- Any person aggrieved by an order passed under these bye-laws may file appeal under section 143 of the Act to the Appellate Authority as prescribed under the Punjab Local Governments (Appeal) Rules, 2017.

14. Penalties.- In addition to any other action as provided in these bye-laws, the person doing an act without license or permission or not observing the conditions of the license shall be liable to punishment under sections 132 and 134 read with the Fourth Schedule (Part II) and Fifth Schedule of the Act.

15. Responsibility of Enforcement.- The Municipal Officer (Regulation) shall be responsible to enforce these bye-laws.

16. Maintenance of record of applications for grant/ renewal of licenses. – The Municipal Officer (Regulation) shall maintain the record of the applications for grant and renewal of licenses in the prescribed **Form-VI**

17. Repeal and Saving. - (1) The [Name of Tehsil/Town Municipal Administration] (Regulating the Trade of Crushing, Grinding of Stones and Quartz materials) Bye-laws, 2015 are hereby repealed.

(2) The licenses issued under the repealed bye-laws shall remain intact, till the expiry date, if not inconsistent with these bye-laws.

Mayor/Chairman
[Name of Local Government]

FORM-I

(see bye-law 5)

[Name of Local Government]

To

The Municipal Officer (Regulations),
[Name of Local Government]

Subject:- **APPLICATION FOR GRANT OF LICENSE FOR THE TRADE OF CRUSHING, GRINDING OF STONES AND QUARTZ MATERIALS**

Sir,

I intend to establish/operate the trade for crushing, grinding of stones and quartz materials at _____.

2. I may kindly be permitted and granted a license for carrying on the trade of for one year ending 30th June, _____(Year).

3. I under-take to abide by the bye-laws applicable to the subject matter and all directions issued by the [Name of Local Government] from time to time.

4. After the expiry of the license period, I will myself apply for renewal of the license.

Applicant's Signature _____

Applicant's Name _____

Father's/Husbands Name _____

C.N.I.C No. _____

Residential Address _____

Contact No. _____

Following documents are enclosed.

- (a) Copy of CNIC of the applicant;
- (b) Recent three No. of Passport size photographs;
- (c) Title of the property for plant;
- (d) Tenancy / Lease Agreement, if any;
- (f) Particulars of the plant to be installed;
- (g) Location Plan of the premises, (A location plan, drawn to a scale not smaller than 1:1000 showing the position of the premises);
- (h) Detail of the measures to be provided and applied for the disposal of and to prevent nuisance arising from atmospheric pollutants, waste material, effluent, emission, refuse, environmental management plan to control noise, dust and vibrations; and
- (i) NOCs from representative of Environment Protection Department, Labour Department and C&W Department at the District level and NHA.

FORM-II

(see bye-law 5)

[Name of Local Government]

License

From

The Municipal Officer (Regulation),
[Name of Local Government]

Photograph of
Licensee

To

(Name) _____
Address _____

Subject:- **LICENSE FOR THE TRADE OF CRUSHING, GRINDING OF STONES AND QUARTZ MATERIALS**

With reference to your application dated _____ for grant of the subject trade at _____, the desired permission is hereby granted.

2. During the term of license you will abide by all prescribed regulations and bye-laws on the subject matter and as may be directed or conveyed by the [Name of Local Government] from time to time.

3. The license is granted to you as per following particulars and subject to the conditions on the back of license:-

Name _____
Father's/Husband's Name _____
CNIC No. _____
License No. _____
Term of license _____
License fee paid _____
Address _____
Description of the premises _____

Municipal Officer (Regulation)

[Name of Local Government]

Copy to:

1. Mayor/Chairman [Name of Local Government]
2. Chief Officer [Name of Local Government]
3. Representatives of the Environment Protection Department, Labour Department and C&W Department at District level

GENERAL TERMS AND CONDITIONS OF LICENSE

(to be back of the license)

- (a) maintain material safety data sheets of crushing material (stone/quartz) and display them in Urdu at visible locations in the workplace;
- (b) arrange a thorough Health, Safety and Environment Risk Assessment of the workplace from certified laboratory and take necessary mitigation measures;
- (c) ensure health examination of the workers on bi-annual basis through a registered medical practitioner and maintain the record of each employee especially to control the silicosis;
- (d) provide specialized personal protective equipment to the employees for prevention from dust and silica;
- (e) make available emergency eye wash shower at the workplace;
- (f) ensure proper cross ventilation and well lit premises;
- (g) ensure that no child is employed;
- (h) provide / install dust control devices for the protection of workers and surroundings including wet scrubbers, mechanical scrubbers, dust suction blowers and humidity maintenance, etc.
- (i) observe the prescribed terms and conditions under these bye laws & keep the license in the licensed premises;
- (j) not in any case use or allow to be used licensed premises for any other purpose other than the one for which license has been issued;
- (k) get his license renewed in the month of July each year on payment of prescribed fee; and
- (l) intimate the [Name of Local Government] on closing of the said trade or any change in the premises / location.

FORM-III
(see bye-law 5)

[Name of Local Government]

To

(Name)_____

Address_____

Subject:- **REJECTION OF APPLICATION FOR GRANT OF LICENSE FOR THE TRADE OF CRUSHING, GRINDING OF STONES AND QUARTZ MATERIALS**

Reference your application, dated _____ for grant of license for carrying the trade of crushing, grinding of stones and quartz materials at _____ in the jurisdiction of [Name of Local Government]

2. It is intimated that your application for grant of license has been rejected on the following grounds:

i. _____

ii. _____

iii. _____.

Municipal Officer (Regulation)

[Name of Local Government]

Copy to:

1. Mayor/Chairman [Name of Local Government]

2. Chief Officer [Name of Local Government]

FORM-IV
(See bye-law 7)

[Name of Local Government]

Notice No. _____, Dated _____

To

(Name) _____

Address _____

Subject:- **NOTICE FOR UNLICENSED TRADE OF CRUSHING, GRINDING OF STONES AND QUARTZ MATERIALS**

It has been noticed that you are carrying on the trade of crushing, grinding of stones and quartz materials at _____ in the jurisdiction of the [Name of Local Government] without obtaining a license regulating such trade.

2. You are directed to immediately apply for the license in this behalf from the Local Government. In case, you fail to obtain the license within a period of 15 days, the premises whereon you are undertaking the above trade would be sealed and proceeding under section 132 of the PLGA, 2013 shall be initiated against you.

Municipal Officer (Regulations)

[Name of Local Government]

FORM-V

[See bye-law 9(2)]

[Name of Local Government]

Record of Inspection of Licenses and Premises and Renewal of Licenses,

Sr. #	Name & Designation of the Inspecting Officer	Date & Time of Inspection	Name & address of the person whose premises was inspected	Licensed or unlicensed License No. in case of licensed premises	Renew ed or not renewe d	Findings and recommen dations of the Inspecting Officer with signatures and stamp	Action taken
1	2	3	4	5	6	7	8

RM-VI

(See bye-law 16)

[Name of Local Government]

Record of applications for grant /renewal of licenses

1.	Name of the Applicant	
2.	Father's / Husband's Name	
3.	CNIC No.	
4.	Place of trade	
7.	Total area of premises	
9.	Date of application for grant /renewal of license	
10.	License No. date of issue	
11.	Date of rejection of application	
12.	No. & date of notice in case of the person carrying on unlicensed trade	
13.	Date of receipt of appeal	
14.	Proceedings & decision	
15.	Status of implementation of decision	
16.	No. & date of the recovery notice if it is to be recovered as arrears of land revenue	
17.	Reply with date submitted by the licensee	
18.	Communication of the decision of Local Government with date	
19.	Recovery status	
20.	Remarks, if any	

Mayor/Chairman

[Name of Local Government]

Dated: