

**THE TEHSIL/TOWN MUNICIPAL ADMINISTRATION [TRADE FOR
CRUSHING, GRINDING OF STONES AND QUARTZ MATERIALS]
BYE LAWS, 2015**

PREAMBLE:

WHEREAS certain unfortunate incidents 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 Tehsil / Town Municipal Administration regulation of trade of crushing, grinding of stones and quartz materials, Byelaws, 2015;

AND WHEREAS under Section 192 read with Part-II of the Fifth Schedule of the Punjab Local Government Ordinance, 2001, the Tehsil /Town Council may, in its ambit of responsibilities, make bye-laws to carry out the purposes of the Ordinance ibid.

NOW, THEREFORE, in exercise of the aforesaid powers and all other enabling provisions in this behalf, the Tehsil/Town Council _____ through resolution No._____ dated_____ has approved the following bye-laws which are hereby notified.

**TEHSIL/TOWN NAZIM/ADMINISTRATOR,
TMA_____**

**THE TEHSIL/TOWN MUNICIPAL ADMINISTRATION [TRADE FOR
CRUSHING, GRINDING OF STONES AND QUARTZ MATERIALS]
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CONTENTS

1. SHORT TITLE AND COMMENCEMENT.
2. DEFINITIONS.
3. CONDITIONS TO CARRY THE TRADE.
4. PROHIBITED ZONE.
5. APPLICATION FOR GRANT OF LICENSE.
6. FEE FOR LICENCE.
7. GENERAL TERMS AND CONDITIONS FOR LICENCE.
8. INSPECTION OF THE LICENSED PREMISES AND RENEWAL OF LICENCE.
9. POWER OF ENTRY AND SEIZURE.
10. CANCELLATION OF LICENCE.
11. PUBLIC AWARENESS.
12. APPEALS.
13. PENALTIES.
14. RERSPONSIBILITY OF ENFORCEMENT.

1. Short title and commencement.– (1) These Byelaws may be called “The Tehsil / Town Municipal Administration (trade for crushing, grinding of stones and quartz materials) Bye-laws, 2015.

(2) These bye-laws shall extend to the whole area of the Tehsil / Town Municipal Administration excluding cantonment area.

(3) These bye-laws shall come into force with immediate effect.

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) **“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;

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

(c) **“Ordinance”** means the Punjab Local Government Ordinance, 2001;

(d) **“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;

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

(f) **“Tehsil/Town Municipal Officer”** means the Tehsil/Town Municipal Officer of the “Tehsil/Town Municipal Administration;

(g) **“TMA”** means the Tehsil/Town Municipal Administration established under the Ordinance;

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

3. Conditions to carry the trade.– (1) No person shall carry on the trade except under and in conformity with the conditions of a licence granted under these bye-laws by the TMA.

(2) The Tehsil/Town Municipal Administration shall, immediately after the notification of these bye-laws, issue notice to a person carrying on the trade within its local area and direct him to obtain licence within seven days.

(3) In case a person fails to obtain licence within the prescribed time, the Tehsil/Town Municipal Administration shall take legal action against him under the Ordinance including sealing of the premises.

4. Prohibited Zone.–

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

(a) residential or commercial areas.

(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, C&W Department, Health 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 TMA, _____.

5. Application for grant of Licence.– (1) If a person intends to carry the trade anywhere in the local area of the TMA, he shall apply to the Tehsil/Town Officer (Regulations) in writing for grant of a licence in this behalf.

(2) No application for grant of licence 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;
- (d) Tenancy / Lease Agreement, if any;
- (e) Receipt / Challan Form regarding payment of licence fee;
- (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 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 District Officer (Environment/EPA Punjab), NHA, C&W Department; and
- (j) Any other particulars, plans or drawings which the Tehsil/Town Officer (Regulations), TMA _____ may require.

(3) The Tehsil/Town Officer (Regulations) shall send the application for licence to concerned Inspector who shall inspect the premises and send his report within seven days to Tehsil/Town Officer (Regulations).

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

6. Fee for License.– (a) Fee for new license and renewal fee shall be levied by the TMA under section 116 of the Ordinance and determined in accordance with the procedure laid down in the Punjab Local Government (Taxation) Rules, 2001.

(b) The prescribed fee shall be deposited in the local fund of TMA

7. General terms and 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 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 licence 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 TMA on closing of the said trade or any change in the premises / location.

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

8. Inspection of the Licensed Premises and Renewal of Licence.— The Tehsil/Town Officer (Regulations) or any Inspector designated as such by the TMA 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 Tehsil/Town Officer (Regulations) shall maintain the record of inspections.
- (iv) The license shall be renewed annually after receiving a satisfactory inspection report.

9. Power of Entry and Seizure.— The Tehsil/Town Officer (Regulations) or any Inspector, as such designated by the TMA in writing in this behalf, may at any time enter into any premises being used for the trade within the jurisdiction of the TMA and, in case of serious threat to the public health, safety or danger to the life, may seal the premises.

10. Cancellation of Licence.— (1) In case of any serious threat to the public health, safety or welfare or danger to life and property, the Enforcement 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 TMA may cancel the licence in case of violation of any provision of these bye-laws by the licensee. Before cancellation of licence, the licensee shall be informed in writing.

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

(4) The TMA may reject any application for grant of licence/renewal without assigning any reason in the best public interest.

11. Public Awareness.— The TMA will make arrangement of public awareness through posters, notice boards, newspapers and electronic media regarding the enforcement of these bye-laws and the responsibilities of the trade owners.

12. Appeals.— Any person aggrieved by an order passed under these bye-laws may file appeal under section 190 of the Ordinance to the Appellate Authority as prescribed under the Punjab Local Government (Appeal) Rules, 2002.

13. Penalties.— In addition to any other action as provided in these bye-laws, the person doing an act without license or permission shall be proceeded against under sections 141 and 143 read with the Fourth Schedule and Eighth Schedule of the Ordinance, for imposition of punishment or fine thereon.

14. Responsibility of Enforcement.— The Tehsil/Town Officer (Regulations) shall be responsible to enforce these bye laws.

FORM-I
(see bye-law 5)

To

The Tehsil/Town Officer (Regulations),
Tehsil/Town Municipal Administration,

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

Sir,

I intend to established/operate the trade under the Tehsil / Town Municipal Administration (trade for crushing, grinding of stones and quartz materials) Bye-laws, 2015

2. I may kindly be permitted and granted a licence 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 Tehsil/Town Municipal Administration _____, from time to time.

4. After the expiry of the licence period, I will myself apply for renewed of the licence.

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;
- (d) Tenancy / Lease Agreement, if any;
- (e) Receipt / Challan Form regarding payment of licence fee;
- (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 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 District Officer (Environment/EPA Punjab), NHA, C&W Department.

FORM-II
(see bye-law 5)

TEHSIL/TOWN MUNICIPAL ADMINISTRATION _____

From

The Town Officer (Regulations),
Tehsil/Town Municipal Administration,

To

(Name) _____
Address _____

Subject:-

LICENCE 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 licence you will abide by all prescribed regulations and bye-laws on the subject matter and as may be directed or conveyed by the TMA from time to time.

3. The licence is granted to you as per following particulars and subject to the conditions annexed herewith:-

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

Tehsil/Town Officer(Regulations)

Copy to:

1. Administrator, TMA _____
2. Tehsil/Town Municipal Officer, TMA, _____
3. District Officer (Environment), District Officer (labour).
4. Concerned Enforcement Inspector, TMA _____

Tehsil/Town Officer(Regulations)

GENERAL TERMS AND CONDITIONS OF LICENCE

(to be annexed with the licence)

- (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 licence 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 TMA on closing of the said trade or any change in the premises / location.

FORM-III

(see bye-law 5)

TEHSIL/TOWN MUNICIPAL ADMINISTRATION_____

To

(Name)_____

Address_____

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

Reference your application, dated _____ for grant of licence for carrying the trade of crushing, grinding of stones and quarts materials at _____ in the jurisdiction of Tehsil/Town Municipal Administration_____.

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

i. _____

ii. _____

iii. _____.

Tehsil/Town Officer(Regulations)
TMA_____

Copy to:

1. Administrator, TMA_____
2. Tehsil/Town Municipal Officer, TMA, _____
3. Concerned Enforcement Inspector, TMA _____

Tehsil/Town Officer(Regulation)
TMA_____