

No. NPs(Muck Dumping)-2013-(1)- 686 Dated 9-5-2013.

OFFICE OF THE NAGAR PANCHAYAT SUJNAPUR TIHRA
DISTT HAMIRPUR HP

From

Secretary,
Nagar Panchayat, Sujanpur Tihra.

To

The Controller '
Printing & Stationery Deptt. HP Shimla,

**Sub:- Nagar Panchayat Sujanpur (Control and regulation) Muck Dumping
Bye Laws 2013**

Sir,

Please find enclosed herewith a Muck Dumping bye laws-2013 in NP Sujanpur Tihra Distt-Hamirpur. Kindly publish the same in your Gazette. *And also sent copy of Gazette along with the bill to this Office.*

Yours Faithfully,
Sd
Secretary,
Nagar Panchayat,
Sujanpur Tihra.

Enclosed :- As above.

NAGAR PANCHAYAT SUJANPUR TIHRA (Name of NP) Sujanpur Tihra (CONTROL AND REGULATION) OF WORK MUCK DUMPING BYE-LAWS, 2013.

NOTIFICATION

No.

Dated:-

The following Muck Dumping bye-laws, 2013 made by the NP in exercise of the power conferred by Section 216, 217 and Section 219 read with Clause (y and z) of sub section (1) of Section 202 of the Himachal Pradesh Municipal Act, 1994 (Act No. 13 of 1994) as amended from time to time are hereby published in the Rajpatra, Himachal Pradesh (extraordinary) for the information of general public and notice is hereby given that the said draft bye-laws shall be considered by the MC/NP after expiry of a period of 15 days from the date of its publication in the Rajpatra, Himachal Pradesh.

If any person, likely to be affected by these draft bye-laws has any , objection (s) against these draft rules , he may sent the written objections to the Secretary of Nagar panchayat Sujanpur Tihra , with in the aforesaid period.

Objections , if any, received within period as specified above , shall be taken into consideration by the NP before finalizing these bye-laws namely:-

“NP Sujanpur Tihra (Control and Regulation) of Muck Dumping Bye-Laws, 2013”

Preliminary

1. Short title, commencement and application: - **(i)** These Bye-Laws may be called, “NP Sujanpur Tihra(Control and Regulation) of Muck Dumping Bye-Laws ,2013”

(ii) These Bye-Laws shall come into force the date of their publication in the Rajpatra (extraordinary) Himachal Pradesh.

(iii) These Bye-Laws shall be applicable within the jurisdiction of NP Sujanpur Tihra as defined from time to time.

2. Definitions: - (i) in these bye-laws, unless the context otherwise requires:-

- (a) **“Act”**- means the Himachal Pradesh Municipal Act, 1994 (Act No. 13 of 1994) as amended from time to time.
- (b) **“Applicant”**- means any person applying for permission for dumping of Muck in the authorized dumping places as specified by the NP.
- (c) **“Authorized Officer”**- means any Officer/Official duly authorized by the NP Sujanpur under these bye-laws.
- (d) **“Muck”**- includes earth or stone, material of any description or any rubbish or polluted or obnoxious matter or Debris including building, construction waste.
- (e) **“Place”**- means authorized site specified by the NP Sujanpur for dumping of Muck.
- (f) **“Judicial Magistrate First Class”**- means the Judicial Magistrate having jurisdiction over the area of NP Sujanpur under the Act.
- (g) Words and expressions used in these Bye-Laws but not defined here in shall have the meaning respectfully assigned to them under the Act.

3. Prohibition on Muck Dumping :- (i) no person , either by himself or through another , shall knowingly or otherwise throw or cause to be thrown any kind of Muck in any place other than the place specified by the NP Sujanpur Tihra for dumping of Muck with in their area.

(ii) Any person found dumping the Muck illegally, unauthorized and without any permission shall be liable for penalty under these Bye-laws and the vehicle or tools used for such dumping shall be impounded.

(4) Procedure for Application and grant of permission: - (i) applicant or the person concerned intended to commence the construction within the area of the MC/NP shall in writing submit detailed estimate if Muck to be generated from the plot, construction site to the NP on the prescribed Performa annexed with these Bye-laws as appendix-I at the time of submission of their building map/plan for sanction. The building plan without such estimate shall not be considered for sanction.

(ii) The estimate submitted by the applicant shall be verified by the concerned official after spot inspection and thereafter the carriage of muck to be

(ix) The NP shall prescribe the conditions relating to the application of muck generation from the plot, grant of sanction for muck disposal and condition relating to affixing of board at site giving therein the detail as mentioned in clause (viii) at the time of grant of building sanction.

5. Rates for dumping of Muck: - The following rates shall be applicable for dumping of Muck in the specified places.

- (i) Manual Rs. 10/- Per load
- (ii) Mule Rs. 20/- Per

(i) Pick up	Rs. 300/- per pickup
(ii) Tipper light duty	Rs. 700/- per tipper
(iii) Tipper Heavy duty/truck	Rs. 1200/- per tipper/truck.

An increase of 10% on these rates shall be applicable after every financial year which shall be notified by the MC/NP.

6. Duties and responsibilities of person concerned :- (i) it shall be the duty and responsibility of owner to make available all the sanctions/permission granted by the competent authority to the person so hired or engaged by him for dumping of Muck in a specified by the NP.

(ii) Who so ever is found dumping Muck other than the place specified by the NP , the owner or the person caught dumping the Muck shall be liable jointly for penalty under these Bye-laws.

(iii) At the time of transportation of Muck, the person concerned shall make available the permission to the inspecting staff at the time of inspection of vehicle without causing any hindrance.

7. Impounding of vehicle: - (i) The authorized officer or the police establishment of the MC/NP in this behalf either on the information received by himself or through other source shall immediately on receiving such information may stop and inspect the vehicle carrying muck for the purpose of ascertaining the required permission at any point of time and impound the same if found violating the provisions of these Bye-laws.

(ii) The vehicle shall only be released in case the register owner of the vehicle applies for compounding of offences under these Bye-laws generated from the plot/ construction site shall be assessed for raising the bill and for according necessary permission in favour of the applicant.

(iii) The permission for dumping of debris shall be accorded only after obtaining receipt of the amount deposited by the applicant in the NP on this account.

(iv) The place for dumping of muck shall be communicated to the applicant by the NP authorities in writing and the same of the place/ site for dumping of debris by the applicant shall also be mentioned in their building sanction letter. Further, intimation of the same shall also be given to the concerned official or to the concerned agency. Or the contractor hired or engaged by the NP for managing the dumping site.

(v) During transportation of the Muck, a person shall have to carry the original permission a copy of which shall be affixed on the windscreen of the vehicle and the same shall have to be shown to the authorized Officer of the NP at the time of inspection.

(vi) There shall be a restriction on movement of the vehicle carrying Muck after the sun set and before sun rise. The normal timings for dumping the Muck in the dumping site shall be between 09:00 A.M to 05:00 P.M. However, in the case of exigencies, the NP may in writing relax such restrictions.

(vii) No one shall be permitted to carry the digging and excavation of plot or land after sun set and before sun rise but the NP in the larger public interest or in the case of

emergent situation may relax such imposition/restrictions on receiving written request from the applicant or the concerned agency or the authority interested in this regard.

(viii) The person after obtaining the sanction of building map from the competent authority or before raising the construction at site is required to install a painted board size of x indicating there in the number and date of the sanction , commencement of construction and hours during which construction can be carried out , time when excavation can be done , name of dumping site allotted to the applicant for the purpose of dumping muck , nature of sanction , the area of construction sanctioned

on each floor and the telephone number of the Office/Control Room set up by the NP for entertainment of complaints etc.

(ix) The official impounding the vehicle shall immediately report in writing about the impounding of vehicle to the authorized officer / official and keep the same in custody at the place designated by the NP till it is not released to the registered owner. The halt charges of the vehicle at such designated place shall be levied at the rate of Rs. 1000/- per day payable by registered owner to the NP in cash or through demand draft.

8. Compounding of offences :- All the offences punishable under these Bye-laws may, before , the institution of Prosecution , be compounded by such officer as may be authorized by the NP or Executive / Secretary in this behalf , on payment of such sum as may be specified by such officer under these Bye-laws.

9. Offences to be tried summarily: - The offences which are not compounded shall be tried in a summary manner by the Judicial Magistrate First Class of the concerned municipal area under section 260 of the code of Criminal Procedure.

10. Penalty: - (i) whosoever, is guilty of dumping Muck other than the place specified/notified by the NP, the rate of penalty shall be ten times at the first instance, twenty times at the second instance and for the third instance or there after the amount of penalty shall be thirty times of the actual rate of dumping as fixed by the NP in respect of the class and make of vehicle as defined in Clause 5 of these Bye-laws.

(ii) In case of repeated violation , in addition to penalty as specified above , the owner at whose instance the construction / excavation work is carried and is found dumping the Muck illegally or without the permission of the competent authority as the case may be , shall also be liable for disconnection of water , electricity and others civic amenities and the concerned Officer / Official may request the competent authority for withdrawal of recognition and registration if any granted in their favour including withdrawal of building sanction granted in favour of the owner concerned.

By order

Secretary'
Nagar panchayat Sujampur Tihra
Distt-Hamirpur(HP)