

Draft

DHARAMSHALA MUNICIPAL CORPORATION (CONTROL AND REGULATION OF MUCK DUMPING) BYE-LAWS, 2019

Preliminary

1. Short title, commencement and application.— (i) These Bye-laws may be called, “Dharamshala Municipal Corporation (Control and Regulation of Muck Dumping) Bye-laws, 2019.”

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

(iii) These Bye-laws shall be applicable within the jurisdiction of Municipal Corporation, Dharamshala 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 Corporation Act, 1994 (Act No. 12 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 Corporation.

(c) “**Authorized Officer**”- means any Officer/official duly authorized by the Corporation or its Commissioner 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 Corporation for dumping of muck.

(f) “**Special Judicial Magistrate First Class**”- means the Judicial Magistrate having jurisdiction over the area of Municipal Corporation, Dharamshala under the Act.

(g) words and expressions used in these Bye-laws, but not defined herein, shall have the meaning respectfully assigned to them under the Act.

3. Prohibition on muck dumping.— (i) No person, either by himself or through any other, shall knowingly or otherwise, throw or cause to be thrown any kind of muck in any place other than the place specified by the Corporation for dumping of muck within the area of the Municipal Corporation.

(ii) Any person found dumping muck at non-specified site or at specified site without any permission shall be liable for penalty under these Bye-laws and the vehicle or tools used for such dumping shall be liable for impounding.

4. Procedure for application and grant of permission.— (i) Applicant intending to commence construction within the area of the Corporation, shall in writing submit detailed estimate

of muck to be generated from the plot/construction site to the Corporation on the prescribed proforma annexed with these bye- laws as **Appendix-I** at the time of submission of his/her building map/plan for sanction. However, in the case of repair of building or in the case where no planning permission is required, the permission for dumping debris shall be obtained from the Corporation authorities by moving an application mentioning therein full particulars of the applicant, location of the building and the estimate/quantity of muck to be generated on proforma annexed as **Appendix- II**.

(ii) The estimate submitted by the applicant shall be verified by the concerned Junior Engineer (Civil) of the Corporation after spot inspection and thereafter shall be sent to the Executive Engineer Municipal Corporation 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 the receipt of the entire billed amount from the applicant in the Corporation's account.

(iv) The place for dumping of muck shall be communicated to the applicant by the Corporation authorities in writing on prescribed proforma (**Appendix-III**). The name of the place/site for dumping of debris by the applicant shall also be depicted in the planning permission letter. Further, intimation of the same shall also be given to the Executive Engineer of the Corporation or to the concerned agency or the contractor hired or engaged by the Corporation for managing the dumping site.

(v) During transportation of the muck, a person shall have to carry the original copy of the permission letter affixed on the windscreen of that vehicle and the same shall have to be shown to the authorized officer of the Corporation at the time of inspection. However, in case of manual transportation of muck the person carrying the same shall have to show the original sanction to the inspecting staff/authorized officer at the time of inspection.

(vi) There shall be a restriction on movement of the vehicles carrying muck after the sun set and before the sun rise. The normal timings for dumping muck in the dumping site will be between 9:00 am to 5:00 pm However, in case of exigencies and in view of traffic regulations in the area, the Corporation may relax such timings.

(vii) Nobody shall be permitted to carry the digging and excavation of plot or land after sun set and before sun rise. However, the Corporation in the larger public interest or in the case of exigencies may relax such imposition/restrictions, on receiving written request from the applicant or the concerned agency or the authority.

(viii) The person, after obtaining the planning permission of building map from the competent authority or before raising the construction at site, is required to install a painted board of the size of 3' x 2' indicating therein 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 etc.

(ix) The Engineering Branch of the Corporation shall prescribe the conditions relating to 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) Per cement bag 5/- per bag
- (ii) Pickup 150/- per Pickup
- (iii) Tipper light duty 300/- per Tipper
- (iv) Tipper Heavy duty/Truck 500/- per Tipper/Truck.

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

6. Duties and responsibilities of the applicant/owner.— (i) It shall be incumbent upon the 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 the place(s) specified by the Corporation.

(ii) Whosoever is found dumping muck at a place other than the places and in contravention of conditions specified by the Corporation, the owner and 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 authority having jurisdiction within the Corporation, either on the information received by himself or through any other source 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 registered owner of the vehicle applies for compounding of offence(s) under these Bye-laws.

(iii) The official impounding the vehicle shall immediately report to this effect in writing either to the Commissioner/Joint/Additional Commissioner or Divisional Forest Officer (Tree Officer) of the Corporation and keep the same in custody at the place designated by the Corporation 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 ` 1000/- per day payable by registered owner to the Corporation 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 Corporation or its Commissioner 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 compoundable, shall be tried in a summary manner by the Special Judicial Magistrate First Class under section 383 of the Himachal Pradesh Municipal Corporation Act, 1994 read with Section 260 of the Code of Criminal Procedure, 1973.

10. Penalty.— (i) Whosoever, is guilty of dumping muck at a place other than the place(s) specified/notified by the Corporation, the rate of penalty shall be ten times at the first instance, twenty times at the second instance and for the third instance or thereafter the amount of penalty shall be thirty times of the actual rate of dumping as fixed by the Corporation as per 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 out 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 Commissioner may request the competent authority for withdrawal of recognition and registration if any granted in his/her favour including withdrawal of building sanction granted in favour of the owner concerned.

-Sd/
Commissioner,
M. C. Dharamshala

Appendix-I

[See Bye-law 4(i)]

Performa for estimation of Muck generation– Plot/ site development

1. Name of the builder/owner/incharge of the plot/ land/ project etc.
2. Area and Kh. No. of the plot/land/project
3. Location of the plot/land/project including Municipal Ward.
4. Whether owner or builder or otherwise please specify.
5. Estimated quantity of muck to be generated. (quantity must be specified in cubic metres) alongwith estimate duly signed by the authorized person.

Signature
(Name and Address of the applicant)

Date :

Place :

Appendix-II

[See Bye-law 4(i)]

Repair/Reconstruction of existing building

1. Name of the builder/owner/incharge of the Plot/ land/ building etc.
2. Area and Kh. No. of the plot/land/building
3. Location of the plot/land/building including Municipal Ward.
4. Whether owner or builder or otherwise please specify.
5. Estimated quantity of muck to be generated. (quantity must be specified in cubic metres) alongwith estimate duly signed by the authorized person.

Signature
(Name and Address of the applicant)

Date :

Place :

Appendix-III

[See Bye-law 4(iv)]

Muck Dumping Permission

1. Applicant :
2. Purpose : Site Development / Repair or reconstruction of Building / Other
3. Estimated quantity of muck : Quintal/Tonnes
4. Authorized dumping site :
5. Location :
6. Ward No. :

Date :

Signature
(Executive Engineer/Municipal Engineer)
Dharamshala Municipal Corporation.

Copy :

1. SHO, Dharamshala.
2. Tree Officer, DMC.