

NAGAR PANCHAYAT MEHATPUR
(CONTROL AND REGULATION) OF MUCK DUMPING BYE –LAWS, 2012.
NOTIFICATION

NO: NPM(Muck Dumping)/2012-(1)- 201

Dated:- 08-05-2013

The following Muck dumping bye-laws, 2012 made by the Nagar Panchayat Mehatpur in exercise of the power conformed by Section 216 ,217 and Section 219 read with Clause (Y and zb) 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 has been considered by Nagar Panchayat Mehatpur and finalized these bye-laws namely:-

“Nagar Panchayat Mehatpur (Control and regulation) of Muck Dumping Bye-laws, 2012”

Preliminary

- 1. Short title, commencement and application (i)** these Bye-laws may be called “Nagar Panchayat Mehatpur (Control and regulation) of Muck Dumping Bye-laws, 2012”.
- (ii)** These Bye-laws shall come in to force from the date of their publication in the Rajpatra (extra-ordinary) Himachal Pradesh.
- (iii)** These Bye-laws shall be applicable within the jurisdiction of Nagar Panchayat Mehatpur 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 Nagar Panchayat Mehatpur.
 - (c) “Authorized Officer”-** means any officer /official duly authorized by the Nagar Panchayat Mehatpur 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”-**mean authorized site specified by the Nagar Panchayat Mehatpur for dumping of Muck.
 - (f) “Judicial Magistrate First Class”-**means the Judicial Magistrate having jurisdiction over the area of Nagar Panchayat Mehatpur under Act.
 - (g)** Words and expression 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 another, shall knowingly or otherwise throw or cause to be thrown any kind of Muck in any place other than place specified by the Nagar Panchayat Mehatpur for dumping of Muck within 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 Nagar Panchayat Mehatpur shall in writing submit detailed estimate of Muck to be generated from the plot / construction site to the Nagar Panchayat Mehatpur on the prescribed proforma **appendix-1** 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 the 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 the applicant in the Nagar Panchayat Mehatpur on this account.

(iv) the place for dumping of muck shall be communicated to the applicant by the Nagar Panchayat Mehatpur authorities in writing and the name of the place/ site for dumping or 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 Nagar Panchayat Mehatpur for managing the dumping site.

(v) During transaction 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 same shall to be show to the authorized Officer of the Nagar Panchayat Mehatpur at the time of inspection .

(vi) there shall be a restriction on movement of the vehicle carrying Muck after the sun set and before the sun rise . The normal timings for dumping the Muck in dumping site shall be between 9:00 A.M. to 5:00 P.M. However, in the case of exigencies, the Nagar Panchayat Mehatpur 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 Nagar Panchayat Mehatpur 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

of the Size of 2feet ×3feet indicating there in the number and date of the sanctioned, 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 Nagar Panchayat Mehatpur for entertainment of complaints etc.

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

5. Rate of dumping of muck:- the following rates shall be applicable for dumping of muck in the specified places.

(1) Tipper Heavy duty	Rs.200/- per tipper /truck
(2) Tipper light duty	Rs.100/- per tipper
(3) Tractor trolley	Rs.80/- per trolley
(4) Pick up	Rs. 50/- per pickup

an increase of 10% on these rates shall be applicable after every financial year which shall be notified by the Nagar Panchayat Mehatpur.

In case where muck is dumped not by use of mechanized but by use of manual labour horse carts, wheel barrow, hand cart, etc the following rates shall be applicable for dumping of muck in the specified places.

(1)Horse Cart	Rs. 20/- per trip
(2) wheel barrows /hand cart	Rs. 10/- per trip
(3) Muel	Rs. 5/- per trip
(3) Manual	Rs. 1/- per basket

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 component authority to the person so hired or engaged by him for dumping of muck in a specified places as specified by the Nagar Panchayat Mehatpur .

(ii) Whosoever is found dumping muck other than the places specified by the Nagar Panchayat Mehatpur , 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 or the Nagar Panchayat Mehatpur 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 any found violating the provision 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.

(iii) 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 Nagar Panchayat Mehatpur 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. 500/- per day payable by registered owner to the Nagar Panchayat Mehatpur 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 Nagar Panchayat Mehatpur or Secretary in this behalf, on payment of sum Rs. 100/-such officer under these Bye –laws.

(i) The junior engineer of Nagar Panchayat Mehatpur is also authorized to panel action against the guilty found under this act

(9) Offences to be tried summarily:- the offences which are not compounded shall be tried in a summary manner by the special judicial Magistrate First Class of the concerned municipal area under section 2060 of the code of criminal procedure.

(i):- if any cases of disposal of muck where no planning /Building permission is required . Therefore these bye-laws should not only deal with muck being generated on account of construction where building permission is required but even where such building permission is not required. For example, when a person carries out minor repair of his house he may not be required to obtain permission but muck may be generated. The whole muck dumping Bye-laws 2012 shall also be applicable in these cases.

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

(ii) and where muck is dumped not by use of mechanized means but by use of manual labour mules etc. whosoever is guilty of dumping muck other than the place specified /notified by the Nagar Panchayat Mehatpur penalty shall be Five time at the first instance, ten time at the second instance and for the third instance or thereafter the amount of penalty shall be fifteen time of the actual rate of dumping as fixed by the Nagar Panchayat Mehatpur in respect of the class and make of vehicle and manual, mules, carts as defined clause 5 of these bye-laws .

(iii) 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 component 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 granted in favour of the owner concerned.

By order
Secretary Nagar Panchayat Mehatpur