

**NAGAR PANCHAYAT SUNNI  
(CONTROL AND REGULATION) OF MUCK DUMPING BYE -LAWS, 2013  
NOTIFICATION**

NO. NP Sunni/2013-275

Dated 22nd May, 2013.

The following Muck Dumping Bye-Laws, 2013 made by the NP Sunni in the exercise of the power conferred by section 216,217 and section 219 read with clause (v and zb)of sub section (1) of section 202 of Himachal Pradesh Municipal Act 1994 (Act No. 13 of 1994 )as amended from time to time are hereby published in 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 NP after expiry of period of 15 days from the date of its publication in the Rajpatra, Himachal Pradesh.

No objections has been received in the office of Nagar Panchayat, hence the muck dumping bye - laws has been finalized to execute for controlling of muck dumping within the jurisdiction of Nagar Panchayat Sunni.

**Preliminary**

**1. Short title, commencement and application**

- (i) These bye laws may be called, “NP Sunni (Control and Regulation) of Muck Dumping Bye laws 2013”.
- (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 NP Sunni as defined from time to time.

**2. Definition: -**

- (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 authorized dumping place as specified by the NP
- (c) “Authorized Officer”- means any officer /official duly authorized by the NP Sunni 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 Sunni for the dumping of muck.
- (f) Judicial magistrate first class”- means the Judicial Magistrate having jurisdiction over the area of NP Sunni 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 Sunni for dumping of muck within their area .

(ii) Any person found dumping the muck illegally , unauthorizedly and without any permission shall be liable for penalty under bye-laws and the vehicles 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 NP shall in writing submit detailed estimate of Muck to be generated from the plot /construction site to the NP on the prescribed Performa annexed with these bye-laws as 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. However in the case of repair of building or in the case where no planning permission is required the permission for dumping debris shall obtained from the NP authorities by moving an application mentioning therein the full particulars of the applicant.
- (ii) The estimate submitted by the applicant shall be verified by the concerned official after spot inspection and thereafter shall be sent to Secretary/Junior Engineer Nagar Panchayat for raising the bill and for according necessary permission in favor of applicant.
- (iii) The permission for dumping of debris shall be accorded only after obtaining the receipt of the amount to be 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 authority in writing and the name of place/area for dumping and name of the authority shall also be mentioned in their building sanction letter further intimation of the sanction shall also be given to junior engineer/sanitary inspector department of the NP 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 wind screen of the vehicle and the same shall have to be shown to the authorized officer of the NP at the time of inspection. However in case of manual transportation of debris 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 the movement of the vehicles carrying muck after the sun set and before the sun rise. The normal timing 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 town in the area the NP may in writing relax such timings.
- (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 larger public interest or in the case of emergent circumstances 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 size 3'x2' indicating there in the number and date of 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 to the applicant for the purpose of dumping muck ,nature of sanction the area of construction sanctioned on each floor and telephone number of the control room set by the NP for entertainment of complaints etc.
- (ix) The engineering branch of the Nagar Panchayat shall prescribed 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 details 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	Rs. 10/-Per Bag
(ii) Pickup	Rs. 150/- per pickup
(iii) Tipper light duty	Rs. 350/- per tipper
(iv) Tipper heavy duty/truck	Rs. 500/- per tipper/truck
(v) By Manual Carriage	Rs. 10/- Per Bag
(vi) By Mule Carriage	Rs. 10/- Per Bag

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

**6. Duties and responsibilities of applicant/owner:-**

- (i) It shall be the duty and responsibility of the owner to make available all the sanctions/permissions granted by the competent authority to the persons so hired or engaged by him for dumping of muck in the place specified by the Nagar Panchayat.
- (ii) Whosoever is found dumping muck at a place other than the places and in contravention of the conditions specified by the NP, 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 of the NP 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 the required permission at any point of time and impound the same if found violating the provision 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 to the Secretary of the NP and keep the same in custody at place designated by the NP till it is not released to the registered owner the halt charges of this vehicle at such designated place shall be levied @ Rs. 500/- per day payable by registered owner to the NP in cash or through demand draft.

**8. Compounding of offences:-**

All the offences published under these Bye- Laws may before the institution of prosecution be compounded by such officer as may be authorized by the NP or its executive officer in this behalf, on payment of such sum as may be specified by such officer under such Bye- Laws.

**9. Offences to be tried summarily:-**

The offences which are not compounded shall be tried in a summary manner by the special Judicial Magistrate under section 383 of the Himachal Pradesh Municipal 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 Nagar Panchayat 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 Nagar Panchayat as per clause 5 of the 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 other civic amenities and the Secretary 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.

By Order  
Secretary,  
Nagar Panchayat Sunni