

Municipal Corporation Mandi
CONTROL AND REGULATION OF C&D WASTE Bye-laws 2022
NOTIFICATION

Mandi, the 05th January, 2023

No. MC/MND2022-39922-22. – Whereas, Municipal Corporation Mandi drafted Control and Regulation of Construction and Demolition waste Bye-laws,2022 and objections & suggestions were invited through advertisements in local news papers Dainik Jagran and Dainik Bhaskar after approval vide resolution No. 4 in general house meeting of the Municipal Corporation Mandi held on 22-07-2022.

Whereas no objection, Suggestion received in the office of Municipal Corporation Mandi within a period of 30 days from the date of publication of the notice in local news papers Dainik Jagran and Dainik Bhaskar.

Now therefore, in exercise of the power conferred by Section 395 of the Himachal Pradesh Municipal Corporation Act, 1994 (Act No.12 of 1994), the final Control and Regulation of Construction and Demolition waste Bye-laws,2022 are hereby notified and published in the Rajpatra (H.P.) extraordinary for information of general public as follows, namely:-

**MUNICIPAL CORPORATION MANDI (CONTROL AND REGULATION OF
CONSTRUCTION AND DEMOLITION WASTE) BYE-LAWS-2022.**

Preliminary

1. Short title, commencement and application. —(i) These Bye-laws may be called, “Municipal Corporation, Mandi (Control and Regulation of Construction and Demolition waste) Bye-laws,2022.”

(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, Mandi 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 persons applying for permission for dumping of construction and demolition waste in the authorized dumping places as specifies by the Corporation.

(c) “**Authorized Officer**”- means any Officer/official duly authorized by the Corporation or its Commissioner under these Bye-laws.

(d) “**Construction and demolition waste**”- 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 construction and demolition waste.
- (f) **“Special Judicial Magistrate First Class”**- means the Judicial Magistrate having Jurisdiction over the area of Municipal Corporation, Mandi under the 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—(i) No person, either by himself or through any other, shall knowingly or otherwise, throw or cause to be thrown any kind of construction and demolition waste at any place other than the place specified by the Corporation for dumping of construction and demolition waste within the area of the Municipal Corporation.

(ii) Any person found dumping construction and demolition waste illegally, unauthorizedly 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, intending to commence construction within the area of the Corporation, shall in writing submit detailed estimate of construction and demolition waste 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 construction and demolition waste to be generated.

(ii) The estimate submitted by the applicant shall be verified by the concerned Junior engineer of the Municipal Corporation after spot inspection and thereafter shall be sent to the Executive engineer and /or Assistant Engineer 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 entire billed amount to be deposited by the applicant in the Corporation on this account.

(iv) The place for dumping of construction and demolition waste shall be communicated to the applicant by the Corporation authorities in writing on prescribed (proforma III) and the name of the place/site for dumping of debris by the applicant shall also be mentioned in the planning permission letter. Further, intimation of the same shall also be given to the concerned agency or the contractor hired or engaged by the Corporation for managing the dumping site.

(v) During transportation of the construction and demolition waste, 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 Corporation at the time of the 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 movement of the vehicles carrying construction and demolition waste after the sun set and before the sun rise. The normal timing for dumping construction and demolition waste in the dumping site will be between 8:00 am to 6:00 pm. However, in case of exigencies and in view of traffic regulations in the town in the area the Corporation may in writing 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 but the Corporation, in the larger public interest or in the case of emergent circumstances may relax such impositions/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 3'x2' 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 the dumping site allotted to the applicant for the purpose of dumping construction and demolition waste, nature of sanction, the area of construction sanctioned on each floor and the telephone number of the control room set up by the Corporation for entertainment of complaints etc.

(ix) The Engineering Cell of the Corporation shall prescribe the conditions relating to the application of construction and demolition waste generation from the plot, grant of sanction for construction and demolition waste disposal and condition relating to affixing of board at site giving therein the detail as mentioned in clause (vii) at the time of grant of building sanction.

5. Rates for dumping of Construction and demolition waste. —The following rates shall be applicable for dumping of construction and demolition waste in the specified places.

I.	Per Cement Bag	Rs.	5 /- per bag
II.	Pickup/Tractor-Trolley	Rs.	150/- per pickup/trolley
III.	Tipper light duty	Rs.	300/- per tipper
IV.	Tipper heavy duty/truck	Rs.	500/- per tipper/truck

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

6. Duties and responsibilities of the applicant/owner. —(i) It shall be the duty and reasonability of 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 construction and demolition waste in the place specified by the Corporation.

(ii) Whosoever is found dumping construction and demolition waste at a place other than the places specified by Corporation and in contravention of conditions specified by the Corporation, the owner and the person caught dumping the construction and demolition waste shall be liable jointly for penalty under these Bye-laws.

(iii) At the time of transportation of construction and demolition waste, 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 construction and demolition waste 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 Commissioner, 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 Rs. 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 compounded shall be tried in a summary manner by the special Judicial Magistrate First Class by these Bye-laws read with section 260 of the code of criminal Procedure, 1973.

10. Penalty.— (i) Whosoever, is guilty of dumping construction and demolition waste at a place other than the place(s) specified/notified by the Corporation, the rate of penalty shall be five times at the first instance, ten times at the second instance and for the third instance or thereafter the amount of penalty shall be twenty 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 construction and demolition waste 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 planning permission granted in favour of the owner concerned.

Commissioner,
Municipal Corporation, Mandi, H.P.

Appendix-I

Performa for estimation of Construction and demolition generation-Plot/site
development

1. Name of the builder / owner/ in Charge of the plot/land/ Project etc.
2. Area and Kh. No. of the plot Land/project.
3. Location of the plot and 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 meters) Along with estimate duly signed By the authorized person.

Signature
(Name and Address of the
Application)

Date:

Place:

Appendix-II
Repair/reconstruction of existing building

1. Name of the builder/owner/in charge
Of the plot/land/project etc.
2. Area and Kh. No. of the plot
Land/project.
3. Location of the plot and 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 meters)
Along with estimate duly signed by the
Authorized person.

Signature
(Name and Address of the
Application)

Date:

Place:

Appendix-III
Construction and demolition waste dumping Permission

1. Application
2. Purpose Site Development/
Repair or reconstruction of
Building/others.
3. Estimated quantity of Construction
And demolition waste: Quintal/Tones
4. Authorized dumping site
5. Location
6. Ward No.
7. Date

Signature
Commissioner,
Municipal Corporation Mandi

Copy:

1. S.H.O Mandi
2. Tree Officer, DMC.