

Objections are Invited from the General Public to nitiying the **Municipal Corporation, Phagwara (Disposal of Construction Material, Malba and Debris) Bylaws 2015.**, till 15th of August, 2015. Objection in writing may be sent to Commissioner, Municipal Corporation, Phagawra. The draft Notification is as under:-

## LOCAL GOVERNMENT 1 BRANCH

### DRAFT NOTIFICATION

No. :-

Dated:-

THE FOLLOWING BY-LAWS MADE BY MUNICIPAL CORPORATION, PHAGWARA IN EXERCISE OF POWERS CONFERRED UNDER SECTION 399 (1) and 399 (J) (6) OF THE PUNJAB MUNICIPAL CORPORATION ACT, 1976 IS PLEASED TO NOTIFY **THE MUNICIPAL CORPORATION PHAGWARA (DISPOSAL OF CONSTRUCTION MATERIAL, MALBA AND DEBRIS) BY-LAWS, 2015**. THESE BY-LAWS ARE PUBLISHED FOR GENERAL INFORMATION AND SHALL COME INTO FORCE WITHIN THE LIMITS OF MUNICIPAL CORPORATION, SAS NAGAR WITH EFFECT FROM DATE OF NOTIFICATION.

### BY-LAWS

#### 1. Short title and commencement:-

- i) These bylaws may be called the **Municipal Corporation, Phagwara (Disposal of Construction Material, Malba and Debris) Bylaws 2015**.
- ii) They shall come into force on and from the date of their final publication in the official Gazette.

#### 2. Definitions:-

In these bylaws unless the context otherwise requires:-

- i) **'Commissioner'** means the Commissioner of the Municipal Corporation, Phagawra.
- ii) **'Common portion'** means that portion of the plot or premises which is in common use which includes land, gateway, enclosures, compound walls, passages, corridors, stair-cases, fitting, fixtures, lift, parks open space, vacant plots, road berms, back service lanes, if any, installation whether for water supply or drainage or lighting or any purpose and all such facilities which are used or intended to be used in common;
- iii) **'Common service'** in relation to the common portion mean the service which is rendered for maintenance, running, keeping in good condition and controlling that common portion.
- iv) **'Corporation'** means the Municipal Corporation, Phagawra constituted under the Punjab Municipal Corporation Act, 1976 and.
- v) **C&D** –an abbreviation for Construction and Demolition.
- vi) **Construction & Demolition materials** means materials not of a hazardous nature which are normally used in the construction of buildings, structures, roadways, walls and other landscaping material, and includes soil, asphalt, brick, mortar, drywall, plaster, cellulose, fiberglass fibers, gyproc, lumber and wood but excludes chemically treated lumber and wood.
- vii) **Challan** means an official form or document, such as a receipt, invoice, or summons for violating the rules.

- viii) **Residential building** means a building or structures that would normally be used for human habitation.
- ix) **Rubbish or Malba** means any material rejected or thrown away as worthless; trash; refuse.
- All other word used in these bylaws but not defined here under shall have the same meaning as given to them under the Punjab Municipal Corporation Act, 1976.

### **Public Participation and Duties**

No person shall deposit or leave or caused to be deposited any malba or rubbish or construction material in any street, public place or common portions, other than the place notified in this behalf by Corporation.

- i) It shall be the responsibility of the owner or occupier of the site to remove or caused to be removed malba or construction material immediately, failing which the Corporation may without notice cause to be removed any of the things referred to above, which has been deposited or set up in any street, public place or at the common portions.
- ii) Whether the malba, or debris, or rubbish, or construction material is removed by the owner of the occupier of the site through a vehicle hired by him, it shall be the responsibility of the owner of the vehicle or the person driving the vehicle to stack such material at the site notified in this behalf by the Corporation and on failure to do so, the owner or the person driving such a carrier shall be responsible for the breach of the provisions of these bylaws, which may also entail the impounding of his vehicle.
- iii) Charges for the removal of debris, malba and construction material caused to be removed or damages on account of any damage done to any street or road etc. shall be such as notified by the Corporation.
- iv) In carrying out the work regarding additions, alternations or repairs or construction at the site, the owner of the occupier, as the case may be, shall ensure that:-
  - *No obstruction to common portions shall be caused; or*
  - *No misuse of the property shall be made such as occupying common passage, staircase, approaches and the like; or*
  - *No garbage or refuse within the precincts of the property is thrown outside; and*
  - *No insanitation or nuisance is created.*
- v) The owner or occupier, as the case may be, shall take proper safety measures and necessary steps to segregate the construction of site during construction. For example – setting up barriers or fences with G.I. sheets, wire-mesh or ply boards to ensure trapping and containment of all construction material.
- vi) No person shall be allowed to sell construction material including sand, bajri, bricks etc. by storing the same on the unauthorized places within the municipal area.

### **OFFENCES AND PENALTIES**

- (i) Any person including Government Departments or their servant who;  
Fails to comply with any order lawfully made upon him under any of the said clauses, by the Commissioner or such other officer as the

Commissioner may authorize, shall be liable to pay removal charges according to official resolution no. 160 dated 2.8.2013 passed by the Municipal Corporation SAS Nagar that states Rs. 2000/- as removal charges and Rs 500/- as penalty fee. Further, if the violation still continues for the second time, the defaulter has to pay two times of the removal charges, as penalty irrespective of the removal charges.

- (ii) If a person, who commits a breach or an abetment or any of the provisions of these bylaws, is fined and he does not pay the same, the recovery of the same shall be made through Challan by Chief Sanitary Inspector/Sanitary Inspector (CSI/SI) however, recovery of the fine through Challan shall be decided at the level of the Commissioner, Municipal Corporation, Phagwara or any other officer of the Corporation authorized by him.
- (iii) In case of non-payment of fine their water /sewerage connection will be disconnected till the recovery of fine and cost of labour / material spent in disconnection and restoration will be recovered from the defaulter.
- (iv) The charges of removal of Malba, Debris, Construction Material, if removal is made by the Corporation, shall be the actual cost incurred in addition to fine to be imposed on account of default.
- (v) Notwithstanding anything contained in the proceeding clauses, the Commissioner, may after giving such owner or occupier notice for his intention, cause all rubbish, filth and other polluted and obnoxious matter accumulated in such premises to be removed by the said owner for such fees as may be prescribed from time to time

The Commissioner or any other officer of the Corporation authorized by him in this behalf, by general or special orders, may either before and after the institution of proceedings, compound any offense made punishable under by these bylaws on acceptance of such composition fee as may be prescribed from time to time.

### Appeal

*Any person aggrieved by and order of the authorized officer of the Corporation may prefer an appeal to the Commissioner within 15 days of the date of the communication to him of such orders.* The order passed by the Commissioner, on appeal, shall be final.

*In the event of any dispute or difference, arising under these present by-laws, or in connection therewith, the same shall be referable in the sole arbitration of the Commissioner, Municipal Corporation, Phagwara or any other person appointed by him. It will be no objection that the arbitrator is a government servant, that he has to deal with the matter to which the case relates; or that in the course of his duties as a government servant he has expressed views on all or any of the matter in disputes or difference. The award of the arbitrator shall be final and binding on the parties.*

Secretary to Government of Punjab  
Department of Local Government  
Punjab, Chandigarh