

Municipal Corporation, Chandigarh (Disposal of Construction Material, Malba and Debris) Bye-Laws, 2005

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No. 734-FII(8)-2005/3020. - With reference to Chandigarh Administration, Local Government Department's notification bearing No. 734-FII(8)-2004/1534, dated the 3rd March, 2005 and in exercise of the powers conferred by sub-section (1) of Section 399 of the Punjab Municipal Corporation Act, 1976, as extended to the Union Territory, Chandigarh by the Punjab Municipal Corporation Law (Extension to Chandigarh) Act, 1994 (Act No. 45 of 1994), the Administrator, Union Territory, Chandigarh hereby makes the following Bye-Laws, namely :—

BYE-LAWS

1. Short title and commencement:-

- (i) These bye-laws may be called the Municipal Corporation, Chandigarh (Disposal of Construction Material, Malba and Debris) Bye-Laws, 2005.
- (ii) They shall come into force from the date of their final publication in the official Gazette.

2. Definitions :—

In these bye-laws unless the context otherwise requires :—

- (i) 'Commissioner' means the Commissioner of the Municipal Corporation, Chandigarh.
- (ii) 'Common portions' means those portions of the plot or premises which are in common use, and 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 services' in relation to common portions mean the services which are rendered for maintenance, running, keeping in good condition and controlling those common portions.
- (iv) 'Corporation' means the Municipal Corporation, Chandigarh, constituted under the Punjab Municipal Corporation Act, 1976.
- (v) All other words used in these bye-laws but not defined hereunder shall have the meanings given to them under the Punjab Municipal Corporation Act, 1976, as extended to the Union Territory, Chandigarh, by the Punjab Municipal Corporation Law (Extension to Chandigarh) Act, 1994.
- (vi) The General Clauses Act (10 of 1897) shall apply for the interpretation of these bye-laws as it applies for the interpretation of an Act of Parliament.

Notice of commencement of work :

3. 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 the Corporation.

4. 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.

5. 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 bye-laws, which may also entail the impounding of his vehicle.

6. 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.

7. Any person aggrieved by an order of the authorized officer of the Corporation may prefer an appeal to the Commissioner within 30 days of the date of the communication to him of such orders. The order passed by the Commissioner, on appeal shall be final.

8. 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 :—

- (i) no obstruction to common portions shall caused; or
- (ii) no misuse of the property shall be made such as occupying common passage, staircases, approaches and the like; or
- (iii) no garbage or refuse within the precincts of the property is thrown outside; and
- (iv) no insanitation or nuisance is created.

9. 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.

Sale of construction material :

10. No person shall be allowed to sell construction material including sand, oajri, bricks etc. by storing the same on the unauthorized places within the municipal area.

Penalties :

11. (i) Any person including Government Departments or their servants who—

(a) Contravenes any provision or any of the sections, sub-sections, clauses, proviso or other provisions of the Act, mentioned in the first column of the table in the Third Schedule appended thereto ; or

[(b) 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 fine which may extend to Rs. 500 and if the breach is a continuing one, with further fine which may extend to Rs. 20 for everyday after the first order during which the breach continues.]

(ii) If a person, who commits a breach or an abetment or any of the provisions of these byelaws, is fined and he does not pay the same, the recovery of the same shall be made through water bills. However, recovery of the fine through water bills shall be decided at the level of the Chief Engineer, Municipal Corporation, Chandigarh.

(iii) The Charges of removal of malba, debris, construction material, if removal is made by the Corporation, shall be in addition to fine to be imposed on account of default.

(iv) Notwithstanding anything contained in the preceding clauses, the Commissioner, may, after giving such owner or occupier notice of his intention, cause all rubbish, filth and other polluted and obnoxious matter accumulated in such premises to be removed and charge the said owner Or occupier for such fee as may be specified in the notice issued in this behalf.

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

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