

Uttarakhand Anti Littering and Anti Spitting Act, 2016

UTTARAKHAND

India

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Act 23 of 2016

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Uttarakhand Anti Littering and Anti Spitting Act, 2016(Uttarakhand Act No. 23 of 2016)Last Updated 7th March, 2020MiscellaneousAs passed by the Uttarakhand Legislative Assembly and assented to by the Governor on 29 November, 2016.To keep the State clean and pollution free, restriction on littering and spittingAn Act It is hereby enacted by the Uttarakhand Legislative Assembly in the Sixty seventh year of the Republic of India as Follows:

1. Short title, extent and commencement.

(1)This Act shall be called The Uttarakhand Anti Littering and Anti Spitting Act 2016.(2)This Act shall come into operation on the date of its publication in the Gazette.(3)This Act shall come in to force to the whole area under the jurisdiction of the Urban Local Bodies ('ULB' for Short) in the State of Uttarakhand.

2. Effect of Laws inconsistent without this Act.

- The provision of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law.

3. Definitions.

- In this Act, unless the context otherwise requires:(a)"Authorized Officer" means an Executive Officer, Medical Officer of Health, Chief Sanitary Inspector, Sanitary Inspector of ULB, an Officer of the Uttarakhand Police, not below the rank of Sub Inspector, a Revenue officer not below the rank of Revenue Inspector or an Officer authorized by the District Magistrate for an area under his jurisdiction.(b)"building" includes any premises, house, hut, stall, shed or roofed enclosure, whether used for the purpose of human habitation or otherwise, and also any wall, fence, platform, staging, gate, post, pillar, paling, frame, boarding, landing-stage or bridge or any structure, support or foundation connected to the foregoing;(c)"Community Service" means cleaning, Sweeping,

collecting litter, clearing graffiti from the walls, or any other tasks notified by the urban local body as community service;(d)"garden refuse" includes any refuse from garden and agricultural operations;(e)"litter" means any dust, sand, earth, gravel, clay, stone, cement, paper, ashes, carcass, refuse, leaves and branches, grass, straw, boxes, barrels, bales, shavings, sawdust, garden refuse, stable refuse, trade refuse, manure, garbage, bottles, glass, can, food container, food wrapper, particles of food or other things, articles or materials. It will also include urinating or defecating by pets or humans in open;(f)"occupier", includes any person in actual occupation of any premises or having the charge, management or control thereof, and in the case of property subdivided or let to various tenants or lodgers,,the person who for the time being is receiving the rent payable by the tenants or lodgers whether on his own account or as an agent for any person entitled thereto or interested therein;(g)"owner" shall have the same meaning assigned to it in the U.P. Municipalities Act, 1916 [as adapted, amended and made applicable to Uttarakhand] and the U.P. Municipal Corporation Act,1959 [as adapted, amended and made applicable to Uttarakhand] and shall also include the occupier of any building or premises for the time being;(h)"premises" means land, whether enclosed or not which is appurtenant to a building or commonly appurtenant to several buildings.(i)"public place" includes every public highway, street, road, hill side, drain, waterway, subway, bridge, square, court, lane, alley or passage, bridle way, footway, parade, public/park, garden or open space (enclosed or unenclosed), building or premises, every theatre, place of public entertainment of any kind or any place of public resort to which admission is obtained or to which the public has access, whether on payment or otherwise;(j)"spitting" means voluntary ejection of saliva from the mouth after chewing or without chewing, ejection of mucus from nose after inhaling snuff or without inhaling;(k)"stable refuse" means the dung or urine of horses, cattle, sheep, goats, buffaloes, pigs, poultry or other domesticated animals and the sweepings or refuse of drainage from any stables or sheds for keeping horses, cattle, sheep, goats, buffaloes, pigs, poultry or other domesticated animals;(l)"street" means any road, square, footway, back lane or passage whether a thoroughfare or not, over which the public have a right of way, also the way over any public bridge, and also includes any road, footway, or passage, open court or open alley used or intended to be used as a means of access to two or more holdings, whether the public have a right of way, there over or not; and all channels, drains, ditches and reserves at the side of any street shall be deemed to be part of such street;(m)"trade refuse" means the refuse of any trade, manufacture or business, industry or of any building operation;

4. Offences under the Act.

- Any person who:(a)places, deposits or throws or causes or allows to be placed, deposited or thrown any litter in any public place;(b)dries or desecrates any article of food or any article or thing in any public place;(c)throws, places, spills or scatters any blood, brine, spills any noxious liquid or other offensive or filthy matter of any kind in such manner as to run or fall into any public place;(d)drops, spills or scatters any dirt, sand, earth, gravel, clay, loam, stone, grass, straw, shavings, sawdust, ashes, garden refuse, stable refuse, trade refuse, manure, garbage or any other thing or matter in any public place, whether from a moving or stationary vehicle or in any other manner;(e)sieves, shakes, cleans, beats or otherwise agitates any lime, ashes, sand, coal, hair, waste paper, feathers or other substances in such manner that it is carried or likely to be carried by the wind to any public place;(f)throws or leaves behind any bottle, glass, can, food container, food wrapper, particles of

food or other articles or things in any public place;(g)during the construction, alteration or demolition of any building or erection or at any time whatsoever, deposits, drops, leaves in any public place, any stone, cement, earth, sands wood or other building material, thing or substance, without prior permission, or who fails to take reasonable precautions to prevent danger to the life, health or well-being of persons using any public place from flying dust or falling fragments or any other material;(h)places or deposits or causes or allows to be placed or deposited any abandoned vehicle, water tank, cement mixer or any abandoned object or scrap metal in any public place,(i)Spits in any public place; Commits an offence under this Act.

5. Order to remove.

(1)The Urban Local Body or Authorized Officer may direct any person reasonably suspected of placing, depositing or causing or allowing to place or deposit any litter, abandoned vehicle, abandoned object or scrap metals in any public place to remove such litter, abandoned vehicle, abandoned object or scrap metals from such public place to a proper place.(2)Where such person fails to remove such litter, abandoned vehicle, abandoned objects or scrap metals after being directed by Urban Local Body or Authorized Officer, the Urban Local Body shall execute such removal to such proper place and any expenses incurred shall be borne by such person and may be recovered as arrears of land revenue.

6. Presumption as to offender.

- For the offences committed under section 4, the driver and the owner of the ' vehicle shall be deemed to have committed the offence unless the contrary is proved.

7. Occupier of land or building to be held liable.

- If in any case it is shown that any dust or other substance as mentioned in the above sections has been deposited in any public place in contravention of this Act from any building or land or that any such water or any offensive matter has run, drained or been thrown or put upon into any street or drain in contravention of this Act, it shall be presumed that the offence was committed by or by the permission of the 'occupier of such building or land.

8. Occupier to keep footpaths, backyard and Private Street clean.

(1)The owner or occupier of any premises shall cause the immediate vicinity of his premises, including the footpaths and backyards abutting thereon to be swept and kept clean.(2)The owner or occupier of any premises abutting on a private street shall cause such portion of the street in front of, adjoining or abutting his premises and up to the centre thereof to be kept clean.

9. Penalties.

(1) Any person who contravenes any of the provisions of this act commits an offence and shall on conviction be liable to a fine not exceeding Five Thousand Rupees or to imprisonment for a term not exceeding six months or both. (2) In the case of a continuing offence to a further fine not exceeding Five Hundred Rupees for every day during which the offence is continued. (3) In addition to or in substitution for the penalty provided in sub-section (1) any expenses incurred by the Urban Local Body in consequence of any contravention of this Act or in the execution of any work directed under this Act to be executed by any person and executed by him, whether performed by the Urban Local Body or by some contractor, together with a surcharge of not more than ten percent of the expenses, shall be paid by the person committing the breach or failing to execute such work and may be recovered as the arrears of land revenue.

10. Compounding of offences.

(1) The Authorized Officer may compound any offence committed by any person and prescribed to be a compoundable offence by making a written offer to the person reasonably suspected of having committed the offence to compound the, offence upon payment to the Urban Local body/ Authorized. Officer of an amount not less than two hundred Rupees but not, exceeding five hundred rupees Within the time specified in the offer. (2) If the person is unable to pay the compounding amount / Fine, he/she can enroll for community service in the Urban Local Body in lieu of the compounding amount / Fine. (3) An offer under paragraph (1) may be made at any time after the offence has been committed but before any prosecution for it has been instituted, and if the amount specified in the offer is not Paid* of the community service is not done within the. period specified in the offer or within such extended period as the Urban Local Body may grant, prosecution for the offence may be instituted at any time after that against the person to whom the offer was made. (4) If an Offence has been compoUnded under paragraph (1), no prosecution' shall be instituted after.that in respect of the offence against the person to whom the offer to compound was made. (5) An offer to compound shall be in such form as specified under the rules:

11. Power to arrest.

(1) Any Authorized Officer may detain any person and have him arrested, with police help, whoever commits an Offence in his presence or whom he' reasonably believes to have committed any offence under this act, if: (a) the name or address of the person is unknown to him and the person declines to give his name and address; or (b) there is any reason to doubt the accuracy of his name or address. (2) Any person arrested under this Act shall be detained and shall be brought before an Executive Magistrate within twenty four hours, unless his true name and exact address are sooner ascertained.

12. Court competent to take Cognizance and try offences.

(1) No Court Other than the Court a Judicial Magistrate First Class shall take cognizance of, and try

an offence under this Act.(2)No court shall take cognizance of any offence except on a complaint in writing of an Authorized Officer.

13. Offences under the Act to be non cognizable and bailable.

- Notwithstanding anything contained in the Code of Criminal Procedure 1973, offences under section 3 of this Act shall be non-cognizable and bailable.

14. Summary trial of offences.

- All offences under this act shall ,be tried summarily in the manner provided for summary trial under the Code of Criminal Procedure 1973.

15. Power of State government to make rules & regulations.

- The State Government shall make rules and regulations, for the purposes of carrying out into effect the provisions of this Act.