



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, शनिवार, 16 जनवरी, 2010/26 पौष, 1931

हिमाचल प्रदेश सरकार

MUNICIPAL CORPORATION SHIMLA

NOTIFICATION

Shimla-1, 15 January, 2010

MCS/COMM/GA/2010-56.—In exercise of the Power conferred by Section 395 read with Section 227 of the Himachal Pradesh, Municipal Corporation Act, 1994(Act No. 12 of 1994) “The Shimla Municipal Corporation (Prohibition of Overhanging, Projection and Encroachment) Bye Laws, 2009 having been approved by the State Govt. under Section 397(1) of the aforesaid act, are hereby published for general information and shall come into force from the date of its publication in the Rajpatra, Himachal Pradesh (Extra Ordinary) namely:—

1. **Short title, commencement and application.**—These Bye-laws may be called the Shimla Municipal Corporation (Prohibition of overhanging, projections and encroachment) Bye-laws- 2009.

2. They shall come into force from the date of their publication in the Official Gazette.

3. They shall apply to all the Shops/Shop-Keepers falling within the limits of Shimla Municipal Corporation.

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);
- (b) "Section" means a section of the Act ;
- (c) "Owner" means the owner of a shop ;
- (d) "Occupier" means any person in possession or occupation and custody of the shop/premises whether with or without the consent of the owner;
- (e) "Shop" means any premises wherein any trade or business of whatsoever nature is carried out ;
- (f) "Shop-keeper" means any person running and managing the affair of the shop including the owner and occupier of the shop ;
- (g) "authorized officer" means the Officer/employee of the Corporation duly authorized by the Commissioner;
- (h) "License" means a written permission granted in favour of the owner/occupier for sale of articles by the Corporation under the provisions of Himachal Pradesh Municipal Corporation Act, 1994 ;

2. All words and expression used in these Bye-laws but not defined herein shall have the same meanings respectively as assigned to them in the Act and Rules.

3. **Prohibition on over hanging projections, obstructions, and encroachments:** (1) No owner or occupier or any person in possession of a shop/premises shall erect, setup or place any structure or fixtures in front of the shop/premises and which will over hang, just out or project on or in any way encroach upon the passage of public path street or drain;

2. No owner, occupier and person shall be allowed to hang their articles/goods meant for sale in such a manner that they project and just out on to the road;

3. No owner, occupier and person shall encroach upon any drain or open channel in any streets which includes temporary covering by erecting ,setting and placing any structure or fixture including show cases ;

4. The owner and occupier shall keep the articles/goods for sale in their shops/premises only and in no way shall be permitted to over hang, project the articles/goods for sale just out on to the road and shall not be allowed to encroach the street/drain etc ; and

5. The articles/goods which are displayed on the streets/drains and are also put to sale by way of over hanging projections shall be confiscated without any prior notice and the same shall not be refunded/returned to the owner/ occupier.

4. **Duties and responsibilities of the owners/occupiers.—(1)** The owner/occupiers of the shops/premises shall be responsible to keep their article for sale in such a manner as may be specified in these Bye-laws.

2. The owner and occupier of shops/premises shall keep the Municipal drain in front of their shop/premises open.

3. That the owner and occupier of the shop/premises shall keep the passage in front of the shop/premises open.

4. The owner and occupier of the shop/premises shall in no way deposit garbage and put any kind of rubbish in the Municipal street/drain in front of their shop. Further no one shall be permitted to cover the drain by putting concrete slab over the drain.

5. Offences and Penalties.—(1) In addition to the penalties as provided under the Act, a person in possession of the shop violating any provision of these Bye-laws may be imposed a fine upto Rs. 500/- on the spot.

2. In case of subsequent violation the amount of fine may increased upto Rs. 1000/- and further the license issued to the Shop-keeper found violating the Bye-laws shall be suspended for seven days and the goods/articles over-hanged shall be taken in possession by the Corporation and shall not be returned.

3. If the same person is found violating the Bye-laws repeatedly, the Commissioner, may decide to cancel the license issued to the concerned shop-keeper for longer period and the same may be restored only on specific written undertaking and assurance given by the person violating the Bye-laws.

4. In addition, the Corporation may decide to withdraw basic amenities like Electricity, water to the premises in question with respect to the habitual violators. Further the commissioner may request the competent authority to withdraw registration/ recognition, if any, granted in their favour.

By order,
Sd/-
Commissioner.