

## MUNICIPAL CORPORATION SHIMLA

### NOTIFICATION

No.MCS/Comm./515/SE/2020-1021

Dated: 23-04-2022

Whereas, the Municipal Corporation Shimla drafted the “**MUNICIPAL CORPORATION SHIMLA ERECTION, EXHIBITION, AFIXATION OF ADVERTISEMENT AND HOARDING BYE-LAWS 2020**” were published in the Rajpatra, Himachal Pradesh (extra-ordinary) on 03.06.2021 vide notification of even number dated 05.05.2021 for inviting public objections under Section 397 of the Himachal Pradesh Municipal Corporation Act, 1994.

And Whereas, no objections were received from any quarter within the specified period of 30 days from the date of publication of these draft bye-laws.

Now, therefore, in exercise of the powers conferred by Clause (I) of Section 395, 396 and Section 397 read with Section 115,116, 117,118 and 119 of the Himachal Pradesh Municipal Corporation Act, 1994 (Act No. 12 of 1994) as amended from time to time, the final “**MUNICIPAL CORPORATION SHIMLA ERECTION, EXHIBITION, AFIXATION OF ADVERTISEMENT AND HOARDING BYE-LAWS 2020**” are hereby notified and published the Rajpatra, Himachal Pradesh (extra-ordinary) for information of the general public as follows, namely:-

#### **MUNICIPAL CORPORATION SHIMLA ERECTION, EXHIBITION, AFIXATION OF ADVERTISEMENT AND HOARDING BYE-LAWS 2020.**

1. **Short title, commencement and application.**— (i) These Bye-laws may be called, “Municipal Corporation Shimla Erection, Exhibition, Affixation of Advertisement and Hoarding Bye-laws 2020”.

(ii) These Bye-laws shall come into force from the date of their publication in the Rajpatra (extra-ordinary) Himachal Pradesh.

(iii) These Bye-laws shall be applicable within the jurisdiction of Municipal Corporation, Shimla as defined from time to time.

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**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 person applying for permission for erection, exhibition, affixation of advertisement and hoarding upon the land and buildings falling within the jurisdiction of Municipal Corporation, Shimla which include the Government/Semi Government and Private buildings.

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

(d) “**Hoarding**” means any advertisement to be placed by way of erection, exhibition and affixation or to retain upon or over any land, building, wall, boarding, frame, poster structure or upon in any vehicle including any advertisement exhibited by means of cinematography.

(e) “**Place**” means authorized sites/locations specified by the Corporation for erection, exhibition and affixation of advertisement hoarding with the limits of Corporation.

(f) “**Permission**” means sanction/approval granted by the Commissioner or the Officers authorized by him in this behalf for erection, exhibition and affixation of advertisement hoardings.

(g) “**Special Judicial Magistrate 1<sup>st</sup> Class**” means the Judicial Magistrate having jurisdiction over the area of Municipal Corporation, Shimla under the Act.

(h) words and expressions used in these Bye-laws but not defined herein shall have the meaning respectfully assigned to them under the Act.

**3. Prohibition of advertisement without written permission of the Commissioner.**—

(i) No advertisement shall be erected, exhibited, affixed or retained upon or over any land building, wall boarding, frame, post or structure or upon in any vehicle or shall be displayed in any manner, whatsoever in any place within the Municipal area including private land and buildings without the written permission of the Commissioner granted in accordance with these bye-laws except the advertisement hoardings of the Central,

State Government highlighting the achievements of the Governments within the area of Municipal Corporation Shimla.

(ii) All such advertisement hoarding erected/installed by any other individual, authority or agency including the public sector undertakings duly owned and controlled by the Government shall be liable to seek prior permission for erection and installation of such hoardings within the territorial jurisdiction of the Corporation, on such fees and other terms and condition as may be fixed in this behalf by the Commissioner under these bye-laws. However, no permission shall be permissible for the hoardings to be installed by Central, State Government highlighting the achievements of the Governments within the area of Municipal Corporation Shimla.

(iii) Any person authority or agent found erecting, exhibiting and affixing the advertisement hoardings illegally, unauthorisedly and without any permission shall be liable for penalty under these Bye-laws and such hoardings alongwith frame structure/vehicle displaying the same shall be impounded.

**4. Procedure for application and grant of permission.**— (i) Applicant or the person concerned, intending to erect, exhibit and affix the advertisement hoardings within the area of the Corporation, shall in writing submit the detail of the location/site, size of hoarding to be occupied for such installation to the Commissioner/Additional/Joint Commissioner or the Officer authorized in this behalf.

(ii) The application submitted by the applicant shall be verified by the concerned branch dealing with hoarding permission who shall after spot inspection process the same for the approval of the authority for grant of necessary permission in favour of the applicant after assessing the hoarding charges for erection, affixation and exhibition of such hoarding and convey the same to the applicant before granting permission.

(iii) The permission for erection, affixation and exhibition of advertisement hoarding shall be accorded only after obtaining receipt of the amount to be deposited by the applicant in the Corporation on this account.

(iv) The place for erection, affixation and exhibition of advertisement hoarding shall be communicated to the applicant by the concerned branch of the Corporation in writing and the name of the place/site of erection, affixation and exhibition of advertisement

hoarding by the applicant shall also be mentioned on the hoardings to be affixed/erected and installed alongwith the date and period of sanction on such hoarding. Further, intimation of the same shall also be given to the Commissioner/ Additional/Joint Commissioner, Municipal Corporation or to the Estate Branch of the Corporation or to the concerned agency or the contractor hired or engaged by the Corporation for managing the sites for erection, affixation and exhibition of advertisement hoardings.

(v) In the case of advertisement affixed, erected and installed upon vehicle, 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 inspection. Further, all other persons, authority or agency shall also be liable to show the sanction to the inspecting staff of the Corporation at any time.

(vi) The permission granted by the Commissioner for erection, exhibition and affixation of advertisement hoarding shall be time specific and after expiry of period of permission, the concerned person, authority and agency shall be liable to remove the same forthwith failing which the same shall be removed by the Corporation at the risk cost and responsibility of the person concerned. In addition the Commissioner shall impose penalty at the rate of rupees 5000/- (five thousand) per day and amount shall be recovered from the concerned as per the provisions contained in Section 124 of the H.P. Municipal Corporation Act, 1994.

(vii) In case the advertisement hoarding is affixed on the private land or building including shops and the person concerned have failed to release the amount of fees to be paid to the Corporation on account of such sanction, the Commissioner in addition to the aforesaid penalty shall take steps to withdraw civic amenities granted in favour of the person concerned and also to make request to concerned authority for withdrawal of sanction/ recognition granted by them in favour of the person concerned.

(viii) The size of the hoarding shall not be more than the size as fixed by the Corporation and all the advertisement hoarding shall be installed in the specified area and no hoarding shall installed in heritage area or in valley side above the road level and on the roofs of the buildings. All the hoardings must be installed, erected in a way so as to preserve the aesthetics, scenic beauty and the view of the hills.

(ix) No advertisement hoarding shall be erected on sharp and blind curves and should not be located in oblique to the road on any natural water source, tree, water line, Municipal drain, fire hydrant and on garbage container and at a place where it effects the growth of flora etc.

(x) No advertisement hoarding shall be permitted within the area starting from Vidhan Sabha to CTO and than Mall Road, Ridge upto Chhota Shimla post office except the advertisement hoardings to be installed by the specific orders of the State Government for a particular occasion.

(xi) The Commissioner in the exceptional circumstances or in the larger public interest may permit any person, authority or agency to erect, exhibit or affix the advertisement hoardings pertaining to social or State and National interest matter only for a period of 7 days in any area including Core/Heritage area.

(xii) No advertisement hoarding in contravention of any law, rules norms, notification or direction issued by the State Government or by the Municipal Corporation shall be erected, affixed and installed within the limits of Municipal Corporation. Further, the directive issued by any Court of law in this regard shall be binding upon all the concerned.

**5. Rates for affixation, erection and installation of advertisement hoarding.**— The rate shall be notified/fixed by the Commissioner, Municipal Corporation Shimla for affixation, erection and installation of advertisement hoarding from time to time and the same shall be notified to the concerned seeking such permission.

**6. Duties and responsibilities of the applicant.**— (i) It shall be the duty and responsibility of the applicant to make available all the sanctions/ permissions granted by the competent authority to the said person, authority or agency to whom such permission has been granted by the Corporation and to follow the instructions/guidelines issued by the Corporation or by the Central/State Government in this regard from time to time.

(ii) Whosoever is found affixing, erecting and exhibiting the advertisement hoarding at a place other than the places so approved for such purpose and in contravention of conditions specified by the Commissioner, in such sanction the person, authority and agency shall be liable jointly for penalty under these Bye-laws in addition to the penalties already provided under the H.P. Municipal Corporation Act, 1994.

**7. 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.

**8. Offences to be tried summarily.**— The offences which are not compounded shall be tried in a summary manner by the Special Judicial Magistrate 1<sup>st</sup> Class of the Corporation under section 383 of the Himachal Pradesh Municipal Corporation Act, 1994 read with Section 260 of the Code of Criminal Procedure, 1973.

**9. Penalty.**— (i) Whosoever, is found guilty of affixing, erecting and exhibiting the advertisement hoarding at a place other than the place(s) specified/notified by the Corporation, the rate of penalty shall be rupees 2000/- (two thousand) per square feet per day to be calculated from the date of erection/affixation of such unauthorized hoarding and till its removal by the concerned or by the Corporation.

(ii) In case of repeated violation and the person concerned failed to release the due amount including penalty to the Corporation within a period of 15 days, as the case may be, he/she 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 building sanction granted in favour of the owner concerned if such unauthorized hoarding is found erected upon the building concerned.

**10. Repeal and Savings.**— The scheme regulation, bye laws if any, relating to affixation, erection and exhibition of advertisement hoardings is hereby repealed. Anything done or any action taken under the said scheme, bye laws and Regulations the same shall be deemed to have been done or taken under the provisions of these bye-laws.

Commissioner,  
Municipal Corporation,  
Shimla.