


क्रमांक -घ0न0नि0 (स्था0)ए (7)1/2020 -6114  
कार्यालय आयुक्त, धर्मशाला नगर निगम  
धर्मशाला दिनांक 28-01-2021

कार्यालय धर्मशाला नगर निगम

सर्व साधारण को सूचित किया जाता है कि धर्मशाला नगर निगम द्वारा निम्नलिखित bye laws प्रस्तावित गये है जोकि धर्मशाला नगर निगम की website <https://edharamshala.in> पर देखे जा सकते हैं। इन Bye Laws से सम्बन्धित आपति दर्ज करना हो या सुझाव देना हो तो वह 28 फरवरी 2021 तक किसी भी कार्य दिवस में सुबह 10.00 बजे से शाम 5.00 बजे तक धर्मशाला नगर निगम कार्यालय में लिखित रूप में अन्यथा [mc\\_dharamshala@rediffmail.com](mailto:mc_dharamshala@rediffmail.com) पर ईमेल से भेज सकते हैं।

1. Draft Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bye Laws 2021.
2. Draft Grant of License for use of Premises and Storage of Article in a Premises) Bye -Laws 2021.

  
आयुक्त  
धर्मशाला नगर निगम

**Draft Bye -Laws**  
**Government of Himachal Pradesh,**  
**Department of Urban Development**

No.....

Dated: Dharamshala the 27<sup>th</sup> January, 2020

**NOTIFICATION**

In exercise of the powers conferred under clause (c) of Section 395 (1) (6) read with Section 324 of the Himachal Pradesh Municipal Corporation Act, 1994, I, Pradeep Thakur, Commissioner, Dharamshala Municipal Corporation\_Himachal Pradesh is pleased to notify the following Bye-laws:—

**1. Short title, extent and commencement.**—(i) These Bye-Laws may be called Municipality, (Grant of License for Use of Premises and Storage of Articles in a Premises) Bye-Laws 2021.

(ii) They shall come into force from the date of their publication in the Official Gazette.

(iii) They shall apply to all shops/premises falling within the Municipal Corporation limits which may not be used without license for the purpose specified in Part I & Part-II in Schedule-I under section 324 of the Himachal Pradesh Municipal Corporation Act, 1994.

**2. Definitions.**—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) “Authorized Officer” means Commissioner or any other Officer duly authorized by the Commissioner.

(c) “Inspector” means Sanitary Inspector or any other Official of the Municipal Corporation duly authorized by the Commissioner.

(d) “License” means a written permission granted by the Commissioner/ Additional Commissioner or any other official /Officer duly authorized by the Commissioner in favour of the person, owner & occupier for sale/storage of articles specified in Part I & Part-II in Schedule-I under section 324 of the Himachal Pradesh Corporation Municipal Act, 1994.

(e) “Licensing Officer” means Commissioner/ Additional Commissioner or any other official /Officer duly authorized by to grant/ renew License under the provisions of these Bye-Laws.

(f) “premises”, means any shop/store/place where the articles specified in Part I & Part -II in Schedule-I under section 324 of the Himachal Pradesh Municipal Corporation Act, 1994, are kept for sale and are stored in the godown/ premises.



(g) "Shopkeeper" means any person running and managing the affairs of the shop/premises/place including its owner/occupier.

(h) The words and expression not defined under these Bye-Laws shall have the same meaning or sense as are defined in Himachal Pradesh Municipal Corporation Act, 1994.

**3. Period of License.**—(1) The License shall be issued for fifteen years w.e.f. 1st of April to 31st of March and the License shall automatically come to an end on 31st day of March after completion of every fifteen years.

**4. Renewal of License.**—(1) The License shall be renewed after every five year on the prescribed proforma duly filled in by the applicant which is appended to these Bye- Laws as Annexure-A.

(ii) The applicant shall have to surrender the existing License before the licensing Officer at the time of renewal of License. The application /proforma without existing License shall be summarily rejected by the licensing Officer.

(iii) Renewal of license on the death of original licensee shall be made in the name of the legal heirs or as may be decided by Commissioner/Additional Commissioner keeping in view the circumstances of the case.

(iv) The applicant shall have to submit the NOC and other permission from the concerned department of Central/State Government as may be required at the time of issue / renewal of License.

**5. Transfer of License.**—(i) The License issued under these Bye-Laws shall not be transferred in the name of any person except with the written permission of the Commissioner or any other official /Officer duly authorized by Commissioner.

**6. License Fee.**—(i) The license fee for grant of license shall be decided by the Commissioner from time to time and shall be charged as per the Schedule appended herewith as Annexure-"B". However, the said Schedule shall also be revised after every three years by the Municipal Corporation.

**7. Conditions for grant of license.**—(I) The License shall not be valid for any other purpose, except for the items prescribed under Part I & Part-II in Schedule-I under section 324 of the Himachal Pradesh Municipal Act, 1994.

(ii) The permission shall, unless specified otherwise in the license, be valid in the entire Municipal Corporation limits, subject to such conditions as may be imposed by the Government.

(iii) The owner/occupier of the premises shall have to produce the license before the Inspector or the licensing officer at any point of time as may be ordered by them.

(iv) The Commissioner shall have a right to impose or alter any of

conditions in the license as may be deemed fit by the Commissioner/Additional Commissioner under the provisions of Section 324(1) of the Himachal Pradesh Municipal Corporation Act, 1994.

- (v) The licensee shall apply for renewal of license at least two months prior to the date of expiry of license period to the Licensing Officer.
- (vi) The licensee shall maintain proper record of the articles kept for sale or storage in the premises as may be required by the Licensing Officer. Further the licensee shall comply with all the directions and instructions issued to him by the Commissioner or the Licensing Officer from time to time.
- (vii) The licensee will ensure timely payment of Municipal dues.

**8. Late fees.**—(i) In case the person fails to obtain license within the stipulated period he shall have to deposit the late fees for the period @ 50% of the amount of license fee for the first month @ 75% for the second month @ 100% upto one year, @ 125% upto two years and thereafter 150% for the remaining period.

**9. Denial of license.**—(1) The license shall not be granted;

- (a) to a person suffering from any loathsome infections or contagious diseases;
- (b) to a person convicted for unlawful sale or storage of any articles mentioned in Part I & Part-II in Schedule-I under section 324 of the Himachal Pradesh Municipal Corporation Act, 1994,
- (c) to a person who has been found to have habitually committed the breach of these Bye- Laws or the terms of the license.
- (d) to a person not below the age of 18 years.

(2)(a) Subject to Bye-Laws 9 (1), license to any person, who applies to the Commissioner or Licensing Officer in this behalf and tenders the prescribed fee shall be granted by that officer, unless for reasons to be recorded in writing by him, he considers the applicant not a fit person for grant of such a license.

(b) The Licensee shall be liable to pay transfer charges as prescribed in the annexure-A at the @ 200/- per license at the time of effecting transfer of License in addition to the License fee.

(c) The licensee shall abide by the terms and conditions of the license and the license shall be displayed at the convenient place/reception of the premises.

(d) The Inspector or inspecting staff concerned shall have a right to inspect the premises at any time and the licensee shall provide necessary assistance to the inspecting staff at the time of inspection of licensed premises.

(e) The licensee shall not make any encroachment/ overhanging projection on public streets and Municipal drains in any manner.



**10. Offences and penalties.**—(i) In addition to the penalty as provided under Himachal Pradesh Municipal Corporation Act, 1994 any person in possession of the premises found violating any of the provisions of these Bye-Laws shall in the first instance be liable for suspension of license for a period of one week and for next instance of violation be liable for penalty as prescribed in the annexure-B.

(ii) In case of repeated violation the concerned person, owner or occupier, as the case may be shall be liable for cancellation/withdrawal of License which can only be restored or receiving written undertaking accompanied by surety from the person violating these Bye- laws subject to the satisfaction of Commissioner..

**By Order**

-sd-

**Commissioner,  
Dharamshala Municipal Corporation,  
Himachal Pradesh.**

## Annexure-A

## License Fee under (under clause 6)

क्रम संख्या Sr. No.	क्षेत्रफल (केवल दुकानों स्टालों के स्टार सहित) Area (only shops, Stall)	लाईसेंस फीस License Fees
1	0 से 125 वर्गफुट तक के क्षेत्रफल की दुकान Zero To 125 Sq.Ft.	200
2	126 वर्गफुट से ऊपर क्षेत्रफल को दुकान 126 Sq.Ft. and above	400
3	All other premises included in Schedule 1(Part I ,Part II) of section 324 of H.P.Municipal Corporation Act 1994	1000

## Annexure-B

## Late Fees &amp; Penalties (clause 6 &amp; clause 10)

क्रम संख्या Sr. No.	क्षेत्रफल (केवल दुकानों स्टालों के स्टार सहित) Area (only shops, Stall)	Late Fee	Penalty
1	0 से 125 वर्गफुट तक के क्षेत्रफल की दुकान Zero To 125 Sq.Ft.	100	1000
2	126 वर्गफुट से ऊपर क्षेत्रफल को दुकान 126 Sq.Ft. and above	200	2000
3	All other premises included in Schedule 1(Part I , Part II) of section 324 of H.P.Municipal Corporation Act 1994	2000	4000