



MUNICIPAL CORPORATION OF GREATER MUMBAI

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**Policy to grant permission for erection of
temporary structures on roads on
occasions of festivals & ceremonies**

1. PREAMBLE :

Mumbai being metropolitan city with a population of more than 1.2 Crores and owing to its geographical position, it has no space to expand horizontally. With the result, all the areas are densely populated. There is shortage of open spaces for holding public religious functions & ceremonies. Historically, festivals like Ganeshotsav, Navratri, Id, etc. are celebrated on large scale by people / organizations. MCGM has been granting statutory permissions for erection of mandaps, temporary booths, etc. on the streets / footpaths by incorporating certain terms and conditions under section 317 of the MMC Act, 1888 with the concurrence of the Police Commissioner considering the historical background of these festivals. Section 317 of the MMC Act provides - **“With the concurrence of the Police Commissioner, the Commissioner**

may grant a written permission for the temporary erection of a booth and any other such structure on any street on occasions of ceremonies and festivals”.

Accordingly, Ward Assistant Commissioners are granting permissions for erection of temporary structures on portions of roads/footpaths for festivals / ceremonies for last several decades, as per the prevailing policy.

The MCGM has also framed the “Pedestrian First” policy whereby the efforts are made that the pedestrians are not forced to share the carriageway with the vehicles and to enable them to walk freely on footpaths.

The Hon'ble High Court in Civil application No.124 of 2014 in Civil application No. 226 of 2013 in PIL No. 173 of 2010 vide orders dated 13.03.2015, 24.06.2015 & 17.07.2015 has stated that Municipal Commissioner is empowered to grant necessary permissions for erection of temporary structures on roads under section 317 of the MMC Act, 1888 by imposing certain conditions i.e. such temporary structures should not cause inconvenience to vehicular traffic and pedestrians movement on footpaths and by further directing the Municipal Corporation to frame a policy for erection of temporary structures on roads on the occasions of ceremonies and festivals.

The Hon'ble Bombay High Court in order dated 17.07.2015 further directed that **“while granting permission to erect temporary booths or pandols or like structures near the railway stations, public bus stands, major auto-rickshaw and taxi**

stands and in the vicinity of the major hospitals and Educational Institutions, the Municipal Commissioner will have to take into consideration all such relevant factors. If on the consideration of all the relevant factors, the Municipal Commissioner is genuinely satisfied that the grant of a permission to erect temporary booths or similar structures in such areas will not cause any obstruction to vehicular traffic and will not obstruct free movement of the pedestrians, the orders of this Court do not take away the power of the Municipal Commissioner to grant permissions and that is why in the last part of the Paragraph 8 of the said order. It is specifically observed that the cases are set out only by way of illustration.”

Hon'ble High Court also observed vide order dated 13.03.2015 (Para 8) that the powers to grant permission to erect pandals on roads **“cannot be exercised without concurrence of the Commissioner of Police. The exercise of powers without their concurrence will be bad in law”**.

Therefore, the proposed policy is framed by taking into account the rights of citizens for smooth vehicular traffic and free pedestrians movements on footpaths.

2. Policy :

For celebrating any festival / ceremony etc. by erecting temporary structures on MCGM roads/footpaths, prior concurrence of Police Commissioner through the concerned Police Station and the Traffic Police Department is hereby made mandatory.

Following procedure is prescribed to grant permission for erecting temporary structures on roads and footpaths of MCGM under section 317 of MMC Act, 1888.

Application should be submitted to concerned Ward Assistant Commissioner 30 days before the day of the festival. Ward Assistant Commissioner will scrutinize the application on the basis of provisions of new policy. The decision taken by Assistant Commissioner of the Ward shall be final.

- (1) Assistant Commissioners of respective Wards will grant permissions for erecting temporary structures on roads of MCGM under section 317 of MMC Act, 1888.
- (2) Before issuing permission, concurrence / NOC shall be obtained from Commissioner of Police or Authorised Officer of local Police Station as well as Traffic Police Department, in view of the orders of the Hon'ble High Court. for the proposed temporary structure/mandap along with location map and sketch of the temporary structure, with length, width and height.
- (3) Height of the mandap should not be more than 30 feet and Mandal will submit structural stability certificate for the mandaps, which are having height more than 25 feet.
- (4) Requirements of Fire Brigade Department shall be complied with by the applicant.
- (5) No holes shall be made on road. If any holes are detected at mandap site, a penalty of Rs.2000/- per hole shall be imposed and

recovered. Further necessary action as per prevailing MCGM policy in-force shall be initiated against the Mandal/person.

- (6) They shall make their own electric and water arrangement, if required with a separate meter.
- (7) Advertisement of the items or any brands, which are prohibited for Ganesh Mandals, will not be permitted. Rs.125/- will be charged to Ganesh mandal for each advertisement in the Ganesh mandap and Rs.101/- will be charged for the advertisement upto **100** meters only.
- (8) The applicants shall comply with the norms for sound / noise levels to be maintained as directed by the Competent Authority.
- (9) The site under permit shall not be used for any other purpose, except for which permission is granted.
- (10) The temporary structure shall be removed by the applicant at his risk and cost immediately on the expiry of the duration of period of permission granted. No extension will be given beyond the time period mentioned in permission.
- (11) The site should be kept clean without any damages before handing over the possession to MCGM.
- (12) Fees once paid shall not be refunded under any circumstances.
- (13) No any stalls will be permitted inside the permitted area of temporary structures.

(14) Charges decided by MCGM for the use of MCGM land and other facilities given by MCGM will be recovered from the Mandals, subject to size of mandap during festival / ceremony.

(15) The concerned mandal will be responsible for all necessary permissions to celebrate the festival / ceremony.

(16) The applicants shall comply with various orders issued by the Environment Department, Police Department, Courts, MCGM & other Competent Authorities from time to time.

(17) Copy of the permission should be displayed at the entrance of the pandal for viewing by public.

(18) If any of the above terms and conditions are violated, the deposit will be completely forfeited and the permission granted to erect the temporary structure will be withdrawn.

(19) MCGM reserves right of revoking permission at any time without assigning any reason thereto.

3. **Vehicular / pedestrian movement :**

While granting permission for pandals/mandaps on roads & footpaths, it shall be ensured that adequate right of way is available for free movement of traffic and pedestrians. In case, adequate right of way is not possible, an alternate route shall be provided that causes least inconvenience to pedestrians and traffic. This alternate route with adequate & specified signages should be part of the permission and must be prominently displayed on the pandal so as to ensure that there is no major traffic congestion and does not cause obstruction to large number of pedestrians.

Roads in the vicinity of Railway stations, public bus stands, major auto rikshaw / taxi stands, major hospitals and educational institutions are generally congested. There is lot of vehicular traffic and large movement of pedestrians on the roads in these areas.

While granting permission for mandaps for celebration of festival near hospitals, schools, railway stations, bus stand etc., enough space should be left for smooth movement of vehicular and pedestrian traffic. The grant of permission on footpaths, footways & roads shall be done in a manner that allows movement of traffic and pedestrians or provides a suitable and convenient alternative. Precaution shall be taken to allow free movement or the alternate provided facilitates free movement of pedestrians and vehicular traffic and should be prominently displayed at the pandal.

Location of the pandal shall not directly be obstructing the entry gate and exit gate of the railway stations, bus-stands etc. They should also not be right in front of the alighting points touching F.O.B. staircase. Free movement and evacuation of passengers from railway stations and bus-stands shall be ensured. Space must be provided for ambulances to freely enter and exit from the hospitals.

4. Display of traffic movement :

i) A map showing details of pedestrian and vehicular movement route should be displayed properly on the mandap for public information.

ii) Every mandal should have plan to control the crowd and it should be displayed properly at the entrance of the mandap.

5. Every Mandal should display the telephone / mobile numbers of competent authority for various civic services & complaints like noise pollution, health related complaints, security, different types of nuisance etc.

6. **Complaint Redressal Mechanism :**

Assistant Commissioner of each Ward shall nominate a Complaint Officer, to whom public may approach to lodge grievances relating to pandals or traffic issues. Action should be taken by the concerned authorities for immediate redressal of the said complaints. Complaint Register should be maintained by each Assistant Commissioner in the Ward, wherein all the complaints received by telephone or written complaints shall be recorded in the following format :

Complaint Register Format

Sr. No.	Date & Time of complaint	Name, Address & telephone No. of the Complainant	Details of Complaint	Action Taken	Remarks
1.	2.	3.	4.	5.	6.

This Register shall be regularly reviewed by Assistant Commissioners vigorously. Assistant Commissioners shall ensure that all the complaints are redressed forthwith.

The Phone Numbers & E-Mail Id of the concerned Ward Assistant Commissioners and Complaint Officers shall be displayed

by applicants prominently on the pandal for information of the general public.

Complaints received relating to sound / noise pollution shall be forwarded to the competent authority for necessary action.

In addition, following Toll-free number shall also be displayed on the pandal by applicants for information of public for lodging complaints

Toll-free No. - 1916

7. While granting permission for erection of temporary structures near railway stations, bus stands, auto-rickshaw / taxi stands, educational institutions, hospitals etc. where there is high foot-fall and pedestrian traffic, extra precaution should be taken by Ward Assistant Commissioners to ensure that enough space is made available for free movement of pedestrians.

8. This policy comes into force with immediate effect.



(Ajoy Mehta)

Municipal Commissioner