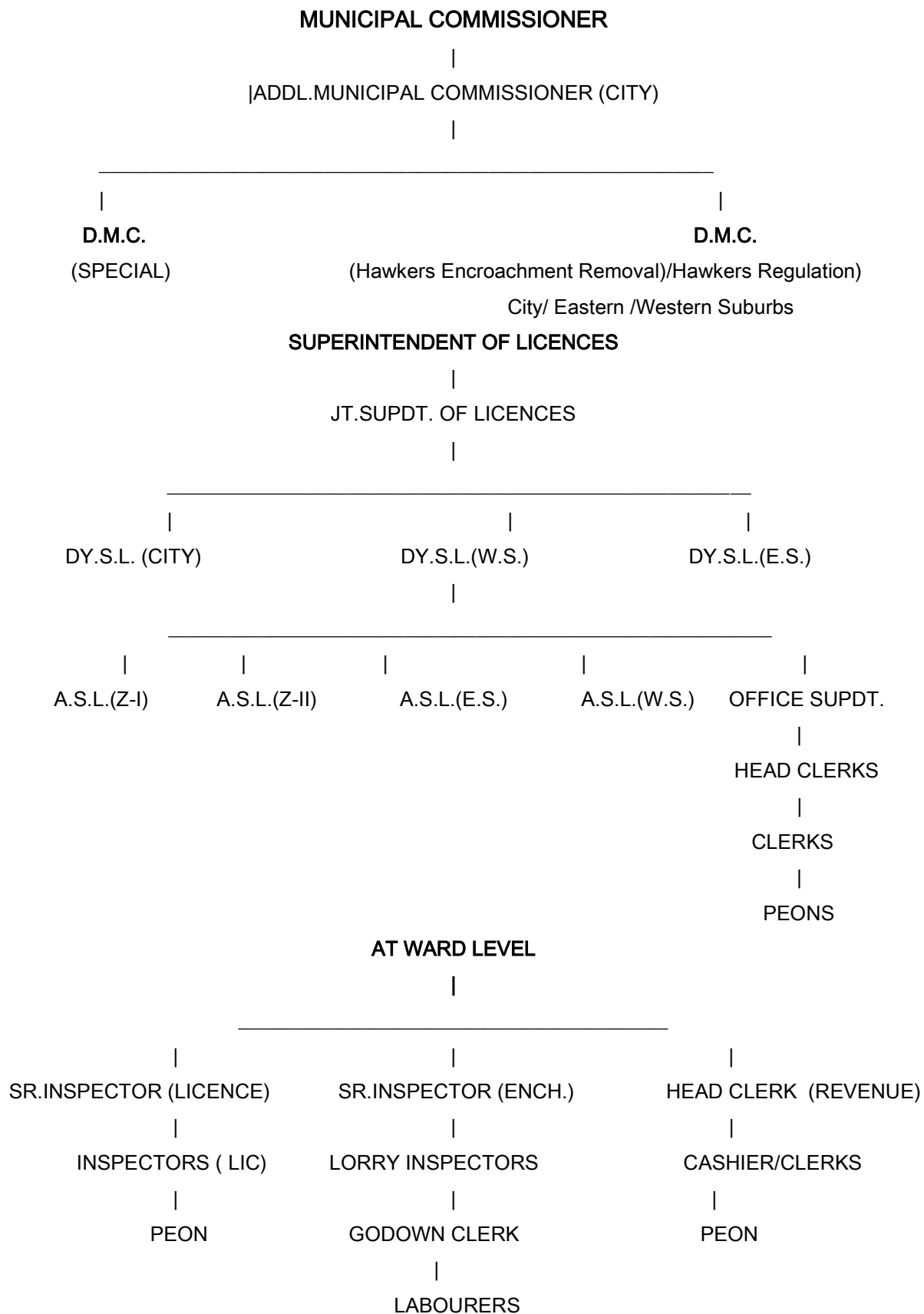


Chapter 2 (Manual 1)

Particulars of Organization, Functions and Duties

ORGANISATION CHART

The Licence Department is functioning under the following setup



1. Functions / Salient features of Licence Department :

The Licence Department of Municipal Corporation of Greater Mumbai is fulfilling the obligatory duties of the Corporation enlisted in section 61 (j) and (o) of the M.M.C. Act.

The Licence department is not a Revenue earning department but it is a controlling and regulating Department under the decentralized setup, however, all the functions are carried on at the respective ward office level and only policy decision – establishment work is taken at central office with the approval of D.M.C./A.M.C.(C) and M.C.

Licence for Trades & Storages

Under section 394 of the M.M.C. Act, licences are granted for Trades and Storages, under one window system at the Ward level by obtaining N.O.C. from C.F.O. and other concerned departments, if required. From 15th August 2001, the system of granting licences for trades and storages under One Window System is being implemented by Licence Department, on the basis of documentary evidence for authorization of structure in which licence is to be issued prior to 1.1.1995, are produced. The procedure for grant of licence under this system is required to be completed within a period of 30 days. In this system, the procedure of grant of licence, after prescribing the fire precautionary measures / conditions (from the fire risk point of view) from Codified Rules. These measures can be recommended by Sr. Inspector of Licences of respective wards, without referring to the C.F.O. However, the proposals which are not covered under Codified Rules, are to be processed through Supdt. of Licences on getting remarks of C.F.O.

M.C.G.M. has adopted computerization C.F.C. under SAP System and has implemented in April 2008 at ward level. Under the said system licences are granted / renewed at C.F.C.

In case of unauthorized trades and storages, the prosecution under section 394 and 471 are launched by Licence Inspector of the respective Wards. In case of inflammable / explosive and dangerous materials, the seizure action under section 394(3) 394(4) is being taken. During the inspection of the premises, if such commodities are found stored, the F.I.R. (First Information Report) is being lodged in respective police station of the area by the concerned inspectors, under section 516 AA, being a cognizable offence and the same commodity material is being seized, after making police panchnama and the seized materials are kept in M.M.C.'s explosive godown at Deonar and released after Court order and NOC from the police, after recovering the necessary charges. In case of licensed trade and storages, the security deposit ought to be forfeited, if the licenced traders found infringing any licence conditions.

Procedure of inspection of the premises is as follows: -

On the receipt of application for grant of licence u/s 394 of MMC Act under SAP, the concerned Inspector has to inspect the premises on which licence is to be granted and issue inspection report stating the factual position of the trade and storage being carried out in the premises under reference and forward it to Sr.Inspector for sanction or otherwise intimate applicant in writing about producing documentary evidence. For compliance of the same the applicant may be given 7 days notice.

As per SAP programme documents necessary for processing applications under section 394 are as follows :-

1. If premises are in the industrial zone maintenance receipt, agreement, sanction of the building & proposal department in the industrial area, N.O.C. from Fire Bridge and authorized licence certificate of neighbouring shop in the industrial unit.

2. If the applicant's business is in a declared Slum, under the Slum authority then the necessary documents to verify the ownership of the applicant and also N.O.C. from Fire Bridge as per the list of documents specified in SAP.
3. If the applicant's business is in a undeclared Slum, documents prior to 01.04.1962 as specified in SAP, to verify the ownership in the applicant's name and N.O.C. from Fire Bridge is also necessary.
4. The Licence Inspector of the concerned area has to take daily inspection round in his section and inspect the premises, wherein licensable trades and storages are found conducted. In case of unauthorized trades and storages, the prosecution u/s 394 / 471 of the MMC Act are to be launched against the owner of the trades and storages. In some cases, repeated prosecutions are being also launched u/s 472 of the MMC Act after conviction of the prosecution launched u/s 471 of the MMC Act.

(i) **Hawkers Licences:**

- (a) Section 313 A / 313 B pertains to hawkers Licences, however no licences under section 313A / 313B are issued at present. Prior to 1970 these licences were issued, however, considering the abnormal growth of Mumbai, the licences were stopped to be issued. Under section 313 B, at present only P.C.O. Licences to the handicapped persons and cobbler pitch licences were issued. However, now these licences too are not issued as per orders of the Hon'ble Supreme Court dated 9.12.2003 & 30.7.2004 as the scheme for Hawking Zone is subjudiced. In all there are 11843 licences issued to hawkers for different categories such as

stalls, pitch licences, handcarts, P.C.Os. and cobbler pitch/stall licences etc.

- (b) Under section 314 (c), removal action against unauthorized hawkers is taken without notice at ward level and the goods so seized are redeemed on payment of redemption charges as laid down by Municipal Commissioner vide section 490 (1) of MMC Act, 1888.

In this regard, the Lorry Inspector of the concerned ward has to take repeated rounds for removal of unauthorized hawkers plying their business on municipal roads and footpaths. While taking this action, the Lorry Inspector has to ensure that the hawkers on the roads and footpaths only are removed. The action u/s 314 (c) as far as Licence Department is concerned is warranted on roads and footpaths. The Lorry Inspector has to inspect the licensed hawkers also and take encroachment removal action against them, if they are found using excess area beyond permitted licence area and likewise, he may take action, if the licensed hawkers are conducting the business other than approved commodity and if any licence conditions are infringed by Licensee.

(ii) **Control on Projection :**

Stall Board, Showcases, Projections projecting on the Municipal Roads/footpaths are being controlled under section 313(1)(b)(c) of Mumbai Municipal Corporation Act, 1888. In this regard if shop owners produced documents of ownership of shop premises then permission granted for showcases, roof, rolling shutter, door etc. and renewed on monthly / yearly basis.

(iii) **Advertisement under section 328/328A of MMC Act :**

1. GENERAL

Outdoor display of advertisements by means of hoarding, kiosks, neon signs, glow signs, balloons etc. is very much an essential

and inevitable part of business today. The provision relating to such display of advertisements are covered under and regulated by Section 328 and 328(A) of the M.M.C. Act, 1888.

2. DEFINITION OF THE ADVERTISEMENT

Advertisement means and includes any device or representation in any manner such as announcement or direction by word, letter, model, sign by means of posters, hoarding boards, banners, temporary arches, illuminated signs, name boards, direction boards, balloons etc.

3. SKY SIGNS

Sky signs means any word, letter, model, sign, device or representation in the nature of an advertisement, announcement or directions, supported on or attached to any post, pole, standard framework or other support wholly or in part upon or over any land, building or structure which, or any part of which sky sign, shall be visible against the sky from some point in any street and includes all and every part of any such post, pole, standard framework or other support. The expression “sky-sign” shall also include any balloon, parachute, or other similar device employed wholly or in part for the purposes of any advertisement, announcement or directions upon or over any land, building or structure or upon or over any street but shall not include –

- a. any flagstaff, pole, vane or weathercock, unless adopted or used only or in part for the purpose of any advertisement, announcement or direction.
- b. any sign, or any board, frame or other contrivance securely fixed to or on the top of the wall or parapet of any building or

on the cornice or blocking course of any wall, or to the ridge of a roof.

Provided that such board, frame or other contrivance be of one continuous face and not open work, and do not extend in height more than three feet above any part of the wall, or parapet or ridge to, against, or on which it is fixed or supported.

- c. any word, letter, model, sign, device or representation as aforesaid, relating exclusively to the business of a railway company, and place wholly upon or over an railway, railway station, yard, platform or station, approach belonging to a railway company, and so placed that it cannot fall into any street or public place.
- d. any notice of land or building to be sold, or let, placed upon such land or buildings.

4. PROVISION IN THE ACT

Section 328: Regulation of all types of sky-signs.

Section 328A: Regulation and control of other types of advertisement except Sky-signs.

5. ADVERTISEMENTS FOR WHICH NO PERMISSION IS REQUIRED

The following types of advertisements, excluding illuminated advertisements and sky-signs, are not required to obtain permission from Corporation: -

- (a) Advertisements displayed within window.

- (b) Advertisement relating to business of the railways and displayed within the railway premises but not fronting any street.
- (c) Advertisements displayed on or upon business premises relating to trade or business carried on within the premises.
- (d) Advertisements displayed on or upon any premises relating to the sale or letting of the premises or of any effects therein.

6. MODES OF ADVERTISEMENTS

- 1) **BANNER** means cloth or any other material, which contains some advertisement or announcement or written matter for display in public place.
- 2) **BUILDING WRAP ADVERTISEMENT** means an advertisement displayed on any building frontage usually stretched across the building frontage or on the scaffolding of a building under construction or repair or by sticking or fixing it to a glass frontage or window.
- 3) **BUILDING WRAP NEON ADVERTISEMENTS WITHOUT ANY USE OF POLES ETC. WHICH ARE USED TO ERECT HOARDINGS** means an advertisement displayed on any building frontage, which is not a heritage structure, using neon bulbs/lights, which can be switched on at night time and may flash or appear in a synchronised manner in one or more different colours.

- 4) **BUS SHELTER ADVERTISEMENT** means an advertisement displayed on the structure of a bus shelter including translates, or such other display.
- 5) **DIRECTION BOARDS** means boards put up by private and commercial establishments to indicate direction to their offices or commercial outlets, etc.
- 6) **ELECTRONIC DISPLAY** means electronically operated advertisement display fixed on a structure. The display is obtained by the operation of an electronic or electrical device such as neon lights, LED or LCD Display, etc.
- 7) **GANTRY ADVERTISEMENT** means advertisement affixed on a gantry erected across a road and usually fabricated of metal section pillars fixed on either side of a road with a beam shaped section connecting the top of the pillars across the road with the advertisement on the face opposite to the direction of traffic.
- 8) **GLOW SIGN BOX ADVERTISEMENT** means an advertisement displayed on a transparent or translucent sheet of any plastic material mounted on a metal sheet box, illuminated from behind using electrical lamps.
- 9) **HOARDING** means any surface of structure erected on ground or any portion of a roof of a building or on or above the parapet, with character, letters or illustrations applied thereto and displayed in any manner whatsoever, out of doors, for purpose of advertising or to give information with a view to attract the public to any place, persons, public performance articles of merchandise whatsoever and also includes advertisement by using neon bulbs/lamps/lights, which flash and appear in a synchronized manner in one or more different colours.

- 10) **POSTER** means sheet of paper or any other material used to advertise something for display in a public place.
 - 11) **SCROLLER DISPLAY ADVERTISEMENT** means a box type display with rollers for scrolling a display of looped printed sheet displaying an advertisement. This may be either non-illuminated or illuminated or backlit.
 - 12) **TEMPORARY ARCHES** mean temporary structures erected across the road for greeting of personalities or for display of advertisement.
 - 13) **TEMPORARY (BULK) ADVERTISEMENT** means and refers to advertising, within a limited area or road at times of a festival or celebration for a limited period. This permission will be with respect to temporary hoardings, arches, banners or pole-flags. Bulk commercial hoardings shall include those displayed on a mobile media such as a service van and/or delivery vehicle.
 - 14) **TRI-VISION ADVERTISEMENT** (or 'Tri-Ad') means an advertisement hoarding that uses rotating triangular panels in a synchronized manner such that the three faces of the triangular section are seen one after the other displaying three different advertising messages. These could be illuminated or non-illuminated.
 - 15) **WALL PAINTING ADVERTISEMENT** means an advertisement displayed by painting it directly on the wall or structure of a building or any civil structure.
7. **MOBILE ADVERTISEMENT DISPLAY** means a double or single sided hoarding or panel mounted on or behind a vehicle in a

manner that it can be driven around or parked at strategic locations for a better display of the advertisement.

8. SHOW-CASES OR SHOW-ROOMS

They are kept generally in front of shops and used for display of goods by means of bright light.

Under section 328A 4(b)(ii) of the Act, the display is made by lighting, which is in the opinion of the Commissioner more than necessary to make the goods and labels visible at night, such sort, of advertisement is chargeable under the Act. Illumination of show-case or show-room is done with the help of electricity having 25 watts or more than the same is chargeable under section 328(A) of M.M.C. Act.

For illuminated show rooms, show cases the fees should be charged on the basis of the area of the glasses of show cases and show room fronting the public street.

SUMMARY:

In order to have check or control over indiscriminate display of hoardings and other means of advertisement a revised new Policy Guideline is formulated by taking into consideration all practical aspects and which has come into force with effect from 10.01.2008 by superseding the earlier Guideline which was in operation from 2000 onwards. The aim is to improve the quality of outdoor advertisement at par with international standards. In order to keep the aesthetic beauty of City of Mumbai intact, ban is imposed in respect of hoarding in one upon one position or clubbing of hoardings and structures of hoardings are also proposed as either unipole or bipole only. All these Guideline

provisions and also some other relevant provisions would help to get rid of clusters of hoardings at a particular location.

Considering the various issues and opinion of the public as relating to mushrooming number of advertisement and likely damage to buildings due to hoardings on its terrace / rooftops, etc., it is now decided that no new hoardings will be permitted on rooftop and terraces and minimum distance between two hoardings on poles shall now be 100 mtrs. instead of 20 mtrs. New hoardings shall not be permitted on religious places, Structures / buildings in Heritage Precincts and heritage importance as per D.C.R. Rule 48(3). In crematorium / burial grounds the hoardings permission if admissible as per present guidelines may be given only adjoining to compound wall and parallel to road. Considering the interest of public safety, no new permission for hoarding shall be granted or renewed without proper scrutiny of Structural Stability Certificate for hoarding structural stability certificate of building from Government or Municipal Licensed Structural Engineer.

Till further orders, there is no permission for display of political banners, birthday greeting, anniversary greetings, etc. on Municipal Roads, and footpath hereafter as per Hon'ble High Court's orders.

The, unauthorized Banners, Posters, Cut Out etc displayed on Roads & Footpath in the city of Mumbai are being immediacy removed by the Encroachment Removal section of Licence dept. with the help of Advertisement Inspectors working at ward level.

A copy of guideline- 2007 which is divided in five parts as mentioned below, is available in the Office of Public Relation Officer, Municipal Head Office, Annexure Building, Mezzanine floor, Mahapalika Marg, Mumbai – 1 at the cost of Rs.315/- (Including 5%Vat) to the general public.

- Part I - General Information and Definition
- Part II - General Norms for Advertisement Permission
- Part III - procedure for application
- Part IV - procedure for disposal of application
- Part V – appeals

Present Position –

The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act 2014 has been came in force w.e.f. Dt.01.05.2014. As Per Section 36(1) of the said act Rules have been published by State Govt. of Maharashtra viz. Maharashtra Street Vendors (Protection of Livelihood and Regulation of Street Vending) Maharashtra, Rules 2016 on 3 Aug 2016. As per Said Rules New Town Vending Committee is to be Established as per the order given by the State Government.

Sd/-

Supdt., of Licence