

## **MUNICIPAL CORPORATION OF GREATER MUMBAI**

No. MDF/418 /Gen dt.12.05.2017

### **C I R C U L A R**

**Sub:** Grant of permission for erection of Pandals / temporary structures on roads, footpaths etc. and receiving complaints of Noise Pollution.

**Ref:** 1) Hon.'ble High Court orders in P.I.L. No. 173 of 2010 dt. 13.3.2015, 24.6.2015, 17.7.2015 and 10,11,12 & 16<sup>th</sup> August 2016.  
2) MCGM policy on subject u/no. AMC/ES/4462/III dt. 24.7.2015.  
3) Circular No.MDF/OD/3098/Gen.dt.30.01.2017

Hon'ble High Court vide orders dt. 10,11,12 & 16<sup>th</sup> August 2016 given various directions on the subject to State Govt. and all Municipal Corporations etc. In compliance of the same, following directions are being issued to all Ward Asstt. Commissioners & concern HODs.

1. Law Officer has already communicated the orders of Hon.'ble High Court by email to all Ward Asstt. Commissioners, Zonal DMCs and HODs. All Ward Asstt. Commissioners are directed to go through the orders dt. 16.8.2016(the directions given in para 93 & 94 – pg.108 to 139).
2. All Ward / Asstt. Commissioners while granting permission for erection of temporary booths/ structures etc. on streets, following condition should be inserted in permission letter... “The loud speaker or a public address system shall not be used except after obtaining written permission from the authority contemplated by the Noise Pollution Rules in accordance with sub rule(1) of Rule 5 in addition to the licence required to be obtained under the Rules, if any, framed under the Maharashtra Police Act 1951.”
3. The complaints received from all modes regarding violation of Noise Pollution and Unauthorized Pandals on Streets should be received by Complaint Redressal Officers of the Ward, staff of Disaster Management. Complaints received should be entered in the Registers separately in enclosed formats. (Attachment 1). All complaints received should be forwarded to respective Police Stations/ Police Control Department immediately. After forwarding the complaints to respective Police Station/Police Control Deptt., necessary information should be sent to Disaster Control Unit for uploading on MCGM website. DMU to upload the information on MCGM website and also to be sent to District Collector Office for uploading on Govt. website.
4. As per Home Deptt. Notification dt. 14.7.2015 (copy enclosed. Attachment 2), Govt. has declared authorities/ designated officers for the purpose of control of noise pollution – every police station area, the officer not below the rank of Inspector of the

respective police station. All Ward Asstt. Commissioners are directed to write letters to all Senior Police Inspectors of their respective area and obtain details(names, designations, telephone nos. and address of police station) of designated officers appointed under Maharashtra Police Act 1951 for the purpose of control of noise pollution. The compiled list of designated officers should be displayed on notice board of Ward and one copy should be sent to Public Relation Officer (PRO) for publishing the same on MCGM website, District Collector Offices website etc. PRO should send one copy of the same to District Collector Office for publishing the same on the notice boards of all Revenue Offices. PRO should publish this compiled list in newspapers and local TV cable network before every major festival.

5. The staff receiving complaints should not disclose the details of complainants and secrecy should be maintained.
6. Before the commencement of every major festival like Ganeshotsav, Navratri, Dahi Handi etc., all Ward Asstt. Commissioners shall convene the meeting of all major organizations holding such functions. Local political leaders, members of Mohalla Committee, officials of various Mandals etc. should be invited in the meeting and appraise them of the provisions of law and the consequences of breach of the provisions of law. The meetings shall be to impress upon everyone to abide by the Noise Pollution Rules and the relevant provisions of statutes concerning regulation of construction of temporary booths/pandals on the streets, etc.
7. All Ward Asstt. Commissioners should follow strictly the Hon'ble High Court Orders /directions read with BMC policy issued u/no.AMC/ES/4462/111 dt.24.7.2015 while granting permission for erecting temporary Pandals/ booths/structures on streets (including footpaths/footways) under section 317 of MMC Act 1888 for holding festivals/ ceremonies etc. In the permission letter, condition should be laid down that ``the copy of the permission should be displayed on the pandal prominently, failing which the structure will be treated as unauthorized and will be demolished."''
8. As per circular no. MDF/OD/3098/Gen. dt. 30.01.2017, in every ward, `Unauthorized Pandal Detection Team' under the leadership of Ward Executive Engineer is required to be established by respective Ward Asstt. Commissioners. This team should visit entire area of the ward atleast before 7 days of every major festivals during the year, also during the period of festival and detect unauthorized Pandals on roads/ footpaths etc. and inform concern/ respective Asstt. Engr. (Maint.) of the ward for taking necessary action with copy to Ward Asstt. Commissioner. All Asstt. Commissioners of respective Ward should ensure that no unauthorized Pandals/Booths/ Structure are erected on street/Footpath/Footways. If they are erected or erection is under progress, with help of police same should be removed as Revenue officers of Government will report the said unauthorised Pandals to the Hon'ble High Court. Even Idols are installed still removal action be taken against unauthorised Mandap/Pandals etc. This team should ensure that all unauthorized pandals are detected and taken necessary action on the same.

9. While exercising the power under section 317 of MMC Act 1888, Ward Asstt. Commissioners shall be bound to ensure that the fundamental rights of citizens to have footpaths and/or footways in a reasonable condition and free of obstruction is not violated.
10. All Ward Asstt. Commissioners to ensure that the reports received from Revenue Officers Team regarding unauthorized pandals on streets should be checked immediately with office records and prompt action is taken on unauthorized pandals. Register in the enclosed format (Attachment 1) should be maintained and after taking necessary action, compiled report should be sent to Zonal D.M.C., D.M.C.(Z-II) and Chief Officer (Disaster Management Unit).
11. Ward Asstt. Commissioners are directed to issue orders nominating concern Asstt. Engr. (Maint.) of the ward as responsible officer to attend the complaints of unauthorized Pandals on streets. Complaints regarding unauthorized pandals / structures on streets should be attended by the respective Asstt. Engr. (Maint.) and Jr. Engr. (Maint.) of the ward within 24 hours. Ward / Asstt. Commissioners to review the complaints and 'Action Taken Report' on daily basis. If the complainants are not satisfied with the redressal, they can appeal to Zonal D.M.Cs.
12. All Asstt. Commissioners of respective Wards should fix responsibility on Officer to ensure that policy of BMC/High Court order and statutory provisions are strictly followed. In case of violation said officer be held responsible.
13. All Asstt. Commissioners of respective Wards should send report regarding action taken at ward level such as granting permission / action taken against unauthorized structures / Pandals etc. to the DMC who is the Nodal Officer appointed by the Hon'ble Municipal Commissioner.
14. Above orders/policy is applicable for all festivals/ ceremonies of all the religions/ sects, to the places of worship of all the religions.
15. PRO to give publicity of grievance redress mechanism available for filing complaints regarding Noise Pollution Rules and illegal pandals/ booths on streets and footways in newspapers as well as television channels, before every major festival.
16. All ward Asstt. Commissioners, while granting permissions for erection of pandals/temporary booths on streets, a condition shall be imposed that "hoardings, advertisements/banners/flexes etc. shall not be displayed on the booths or in the vicinity of booths without obtaining express permission and no digging shall be made on streets, footpaths or footways without obtaining a specific permission."
17. All ward Asstt. Commissioners, while granting permissions for erection of pandals/temporary booths on streets, a condition shall be also imposed that applicant should comply with the noise pollution rules i.e. maintain the prescribed noise levels as laid down in the enclosed Attachment 3.

18. All Ward Asstt. Commissioners are directed to contact Environment Deptt. of MCGM and arrange to install / display silence zone boards in the ward. Dy.Ch.E.(Civil) Environment Deptt. is directed to supply Boards centrally and install the boards at all silence zones in co-ordination with Ward Asstt. Commissioners and E.E.(T.C.).
19. Ch.O.(D.M.) is directed to make necessary arrangements/ provide equipments etc. at Head Office (D.M.) Center and 24 wards (D.M.) centres, the facilities to receive complaints of noise pollution and erection of unauthorized pandals on streets through Toll Free Number, e-mail, SMS & Whats app.

Above orders will be applicable with immediate effect.

Encl:1)Attachment- I  
2)Attachment- II  
3)Attachment- III

Sd/-20.4.17  
(Anand Wagaralkar)  
**D.M.C. (Z-II)**

Sd/-24.4.17  
(Sudhir Naik)  
**D.M.C. (G.A.)**

Sd/-29.4.17  
(Sanjay Deshmukh)  
**A.M.C. (E.S.)**

Sd/-2.5.17  
(Ajoy Mehta)  
**Hon. M.C.**

Copy to :

- 1) D.M.C.(Z-I, II, III, IV, V, VI, VII)
- 2) DMC(G.A.)
- 3) DMC(RE)
- 4) DMC(Environment)
- 5) Asstt.Commissioner A to T Ward
- 6) Law Officer
- 7) Dy.Ch.Eng.(Civil)Environment
- 8) Chief Officer (DMU)
- 9) Ex.Engr.(Traffic Co-ordination)
- 10) P.R.O.
- 11) P.S. to AMC(P)
- 12) P.S. to AMC(City)
- 13) P.S. to AMC(E.S.)
- 14) P.S. to AMC(W.S.)
- 15) P.S. to Hon.M.C.

Sd/- 12.5.17  
Administrative Officer to DMC(Z-II)

**बृहन्मुंबई महानगरपालिका**

**ATTACHMENT - 1**

**तक्रार नोंदवही नमुना 'अ' (ध्वनिप्रदूषणाबाबत)**

अ. क्र.	तक्रारीचा दिनांक व वेळ	तक्रारदाराचे नाव, पत्ता आणि दूरध्वनी/ भ्रमणध्वनी क्रमांक	तक्रारीचा तपशील	तक्रार पाठविली त्या पोलिस स्टेशनचे नाव, अधिका-याचे पदनाम, जावक क्रमांक व दिनांक	तक्रारीवर करण्यात आलेल्या कारवाईचा तपशील	अभिप्राय
1	2	3	4	5	6	7

**तक्रार नोंदवही नमुना 'ब' (अनधिकृत मंडपाबाबत)**

अ. क्र.	तक्रारीचा दिनांक व वेळ	तक्रारदाराचे नाव, पत्ता आणि दूरध्वनी/ भ्रमणध्वनी क्रमांक	तक्रारीचा तपशील	तक्रार अग्रेषित करण्यात आलेल्या अधिका-याचे नाव, पदनाम, जावक क्रमांक व दिनांक	संबंधित अधिका-यामार्फत तक्रारीवर करण्यात आलेल्या कारवाईचा तपशील	अभिप्राय
1	2	3	4	5	6	7

**तक्रार नोंदवही नमुना 'क'**

( महसूल अधिकारी टीमकडून अनधिकृत मंडपाबाबत आलेल्या तक्रारींची नोंद करण्याचा नमुना )

अ. क्र.	आलेल्या तक्रारीचा पत्र क्रमांक व दिनांक	ज्या कार्यालयाकडून पत्र आले त्या कार्यालयाचे नाव व पत्ता	पत्रात नमूद अनधिकृत मंडपाचे स्थळ व इतर तपशील	तक्रारीवर विभाग कार्यालयाकडून करण्यात आलेल्या कारवाईचा तपशील	अभिप्राय
1	2	3	4	5	6

Home Department (Special),  
Mantralaya, Mumbai - 400 032, dated the 14<sup>th</sup> July, 2015

NOTIFICATION

No. DIS 0910 / C.R.434 / SPL 1 B :- Under the provisions of the Maharashtra Police Act, 1951, the following officers are declared as authorities for the purpose of control of Noise Pollution:

Sr.No.	Area	Jurisdiction	Designation of the Officer
1.	All Police Commissionerate areas in the State of Maharashtra.	Every police station area.	The officer not below the rank of Inspector of the respective police station.
2.	All District areas other than Police Commissionerate areas.	Every police station area.	The officer not below the rank of Inspector of the respective police station or the officer in charge of the Police Station.

The Director General of Police, all Commissioners of Police, all District Magistrates and all Superintendents of Police are instructed to publish the names, addresses and other details of the above authorities under their respective control for the respective areas; give wide publicity in the local newspapers, on local cable networks and on their respective websites and the website of the District Collectors, concerned Municipal Corporations and Municipal Councils. They are also instructed to make sure that the names of the above Authorities are displayed on the notice board of all Ward Offices of all Municipal Corporations/Municipal Councils.

By order and in the name of the Governor of Maharashtra,

  
( S. J. Sovitkar )

Deputy Secretary, Government of Maharashtra



गृह विभाग (विशेष),  
मंत्रालय, मुंबई, दिनांक १४ जुलै, २०१५.

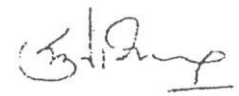
अधिसूचना

क्रमांक डिआयएस ०९१०/प्र.क्र.४३४/वि.शा.१ ब :- महाराष्ट्र पोलीस अधिनियम, १९५९ च्या तरतुदीअंतर्गत ध्वनी प्रदुषण नियंत्रणाकरिता खालील अधिकाऱ्यांना प्राधिकृत करण्यात येत आहे :-

अ.क्र.	क्षेत्र	कार्यकक्षा	अधिकाऱ्याचे पदनाम
१.	महाराष्ट्र राज्यातील सर्व पोलीस आयुक्तालयाची क्षेत्रे	सर्व पोलीस स्टेशन क्षेत्र.	संबंधित पोलीस स्टेशनच्या पोलीस निरीक्षक दर्जापेक्षा कमी नसलेला अधिकारी.
२.	महाराष्ट्र राज्यातील सर्व पोलीस आयुक्तालये वगळून सर्व जिल्हा क्षेत्रे.	सर्व पोलीस स्टेशन क्षेत्र.	संबंधित पोलीस स्टेशनच्या पोलीस निरीक्षक दर्जापेक्षा कमी नसलेला अधिकारी किंवा पोलीस स्टेशनचा प्रभारी अधिकारी.

पोलीस महासंचालक, सर्व पोलीस आयुक्त, सर्व जिल्हादंडाधिकारी आणि सर्व पोलीस अधिक्षक यांना सूचना देण्यात येत आहेत की, त्यांनी वरील सर्व प्राधिकाऱ्यांची नावे, पत्ते व इतर तपशिलाबाबत स्थानिक वृत्तपत्रे, स्थानिक केबल नेटवर्क, त्यांच्या संकेतस्थळावर तसेच जिल्हाधिकारी व संबंधित महानगरपालिका आणि नगर परिषदांच्या संकेतस्थळावर प्रसिद्धी देण्यात यावी. त्यांना अशाही सूचना देण्यात येत आहेत की, वरील प्राधिकाऱ्यांची नावे सर्व महानगरपालिका / नगर परिषदा यांच्या वॉर्ड कार्यालयामधील सूचना फलकांवर स्पष्टपणे दिसेल अशा पद्धतीने दर्शविण्यात याव्यात.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,



( सु. ज. सोवितकर )

उप सचिव, महाराष्ट्र शासन

## SCHEDULE

see rule 3(1) and 4(1)

## Ambient Air Quality Standards in respect of Noise

Area Code	Category of Area/Zone	Limits in dB(A) Leq*	
		Day Time	Night Time
(A)	Industrial area	75	70
(B)	Commercial area	65	55
(C)	Residential area	55	45
(D)	Silence Zone	50	40

- Note:-
1. Day time shall mean from 6.00 a.m. to 10.00 p.m.
  2. Night time shall mean from 10.00 p.m. to 6.00 a.m.
  3. Silence zone is an area comprising not less than 100 metres around hospitals, educational institutions, courts, religious places or any other area which is declared as such by the competent authority.
  4. Mixed categories of areas may be declared as one of the four above mentioned categories by the competent authority.

\*dB(A) Leq denotes the time weighted average of the level of sound in decibels on scale A which is relatable to human hearing.

A "decibel" is a unit in which noise is measured.

"A", in dB(A) Leq, denotes the frequency weighting in the measurement of noise and corresponds to frequency response characteristics of the human ear.

Leq: It is an energy mean of the noise level over a specific period.

Note: The principal rules were published in the Gazette of India vide number, S.O.123(E), dated 14<sup>th</sup> February, 2000 and subsequently amended vide S.O.1046(E), dated 22<sup>nd</sup> November, 2000, S.O. 1088(E), dated 11<sup>th</sup> October, 2002, S.O. 1569(E), dated the 19<sup>th</sup> September, 2006 and S.O.50(E), dated 11<sup>th</sup> January, 2010.

Substituted by Rules 4 of the Noise Pollution (Regulation and Control) (Amendment) Rules, 2000 notified vide S.O. 1046 (E), dated 22.11.2000