



Wednesday Wisdom
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Is your Hoarding Law-Abiding?

Often we are overwhelmed with a variety of hoardings that we get to see on roads giving us interesting topics of discussion while travelling! With the arrival of monsoon this year, the Municipal Corporations have to be season ready to prevent any mishaps.

A tragic incident occurred in May 2024 in one of the heavily frequented areas in Ghatkopar, Mumbai, where an Illegal Hoarding of 250-tonne collapsed following a dust storm and heavy rains on a petrol pump claiming lives of 17 innocent individuals and injuring many others. This was followed by another hoarding collapse in Pune in May 2024. [1]

While such incidents raise many questions in the mind of a common man, we must remember that illegal hoardings are not a new issue in Maharashtra. Many PILs were filed from time to time regarding the menace and nuisance caused by the hoardings. It was reported that from January 2010 to June 2014, the Municipal Corporation of Greater Mumbai (MCGM) took action against 3,44,695 Hoardings, banners, posters, etc. out of which 2,79,160 items were displayed by the political parties or their workers and 31,378 were found to be of commercial nature[2].

The Bombay High Court had issued detailed guidelines in its judgement in 2017 in *Suswarajya Foundation, Satara versus The Collector, Satara*. [3] This article broadly covers the legal provisions for Hoardings in the jurisdiction of Mumbai and will help us resolve the questions briefly that often cross our minds when we come across such huge Hoardings or advertisements.

What is a Hoarding?

Sec 1.8 (19) of the Policy Guidelines for Display of Advertisements, 2018 (Policy) as defined and read with The Mumbai Municipal Corporation Act, 1888 (MMC Act) defines “Hoarding” as

- any structure erected on ground or on dead wall
- in the form of characters, letters or illustrations displayed in any manner whatsoever,
- for purpose of advertising or to give information or attract public for merchandise or places

[1] The article reflects the general work of the author on the date of publication and the views expressed are personal. No reader should act on any statement contained herein without seeking detailed professional advice.

[2] Bombay High Court: PIL 155 of 2011: *Suswarajya Foundation, Satara versus The Collector, Satara*

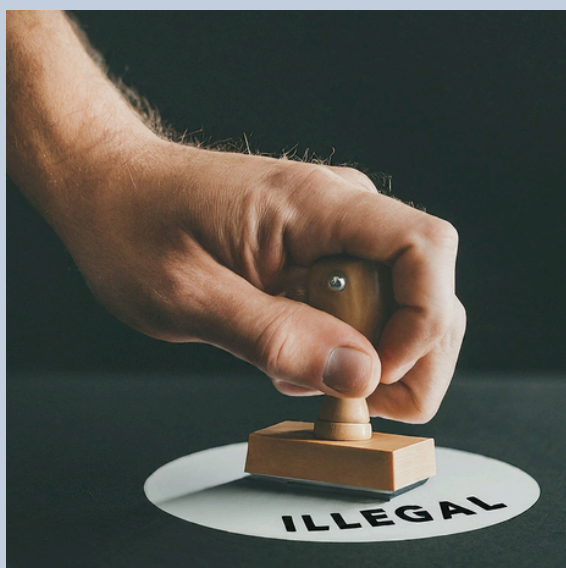
[3] Ibid

- by using neon bulbs/lamps/lights, which flash and appear in a synchronized manner in one or more different colors.

What are the different types of Hoardings?

Part IV of the Policy provides for Advertisement permission of hoardings and advertisement on other than business premises. The different types of Hoardings are as follows:

Types of Hoardings	Specifications
Hoardings on Ground	<ul style="list-style-type: none"> -Permissible sizes for Hoardings: Minimum – 10 feet x 10 feet Maximum – 40 feet x 40 feet -Can be single sided, back-to-back, in V-shape or tri- vision
Hoardings on Terrace	<ul style="list-style-type: none"> -No new hoardings are permitted -Existing hoardings will be continued till the expiry date of current renewal period and no renewal will be granted further
Digital/LED/LCD/ Electronic Hoardings	<ul style="list-style-type: none"> -Permissible sizes for Hoardings: Minimum – 10 feet x 10 feet Maximum – 40 feet x 40 feet Subject to No Objection Certificate (NOC) from Traffic Branch of Mumbai Police -Can be permitted on ground, dead wall and vehicle mounted displays wherein minimum distance between two hoardings shall be 100 meters -Flickering ads are not permitted -Illumination of digital displays shall be switched off at 11 pm Permission for digital displays can be revoked upon receiving genuine complaints from nearby residents



How does the application for Publishing a Hoarding get processed?

The Application is processed by Head of Licensing Department (Senior Licensing Inspector) of the concerned department. License is issued to the applicant after site inspection and approval of application, collection of schedule fee[4] and processing duration is 7 days as per scrutiny level from the date of submission of valid application along with required documents.[5]

How can one apply for Publishing a Hoarding?

An applicant is required to file an application with the License Department at the nearest Civic Facility Center (CFC) established by MCGM for permission to exhibit Advertisements on Other than Business Premises under Section 328/328 A of the MMC Act along with the necessary documents which are variable as per the area for constructing Hoardings, requirements and fees as specified [here](#).



[4] https://portal.mcgm.gov.in/irj/servlet/prt/portal/prtroot/com.mcgm.acitizenservices_license.HelpTradeLicenseAnon

[5] <https://portal.mcgm.gov.in/irj/portal/anonymous/q|hoardlic>



What are the restrictions for Construction of Hoarding?

Here are the few significant restrictions imposed by the Policy, wherein Hoardings cannot be erected[6] which are as follows:

- Compulsory open spaces such as playgrounds, public recreation grounds, parks and gardens, required to be maintained under the Development Control Regulations of Greater Mumbai (DCR)*
- Hoarding which obstructs the light or ventilation of any premises**
- Hoarding on Structures/buildings in heritage precincts, buildings of archaeological, architectural, aesthetical and having historical importance as per DCR rules***
- Coastal Regulation Zone Area - I, II or III****
- Funnel area i.e. take-off and landing area near Airport*****
- Existing railway track*****

[6] Part IV, 4.3 Restrictions - Policy Guidelines for Display of Advertisements, 2018

*the Designated Officer from the ward certifying that the Hoarding does not fall in compulsory open space can grant the permission for erection of Hoarding.

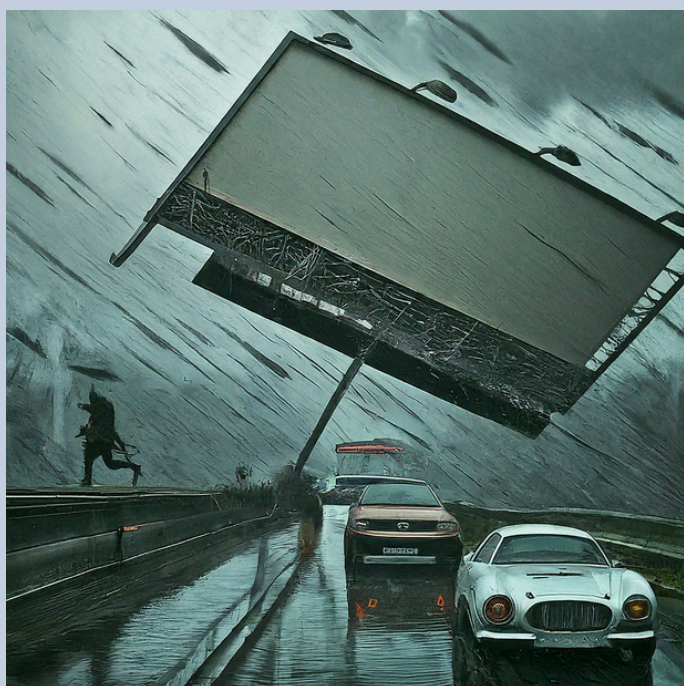
** without the Designated Officer from the ward certifying that the Hoarding does not affect the light and ventilation and grant the permission

*** However, if a Hoarding is to be erected in such places, NOC from Maharashtra Heritage Conservation Committee is mandatory.

**** NOC from Maharashtra Coastal Zone Management Authority.

***** NOC from Airport Authority of India. Such Hoarding's height shall be certified by registered Architect or licensed Surveyor specifying the height given in NOC by aviation for above sea level and above ground level.

***** Restricted limit fixed for erection of any structure to be maintained from railway track with NOC from Railway Authority.



Who is likely to be held responsible for the untoward incident of collapse of a hoarding?

The actual liability depends on facts of the case, since a hoarding collapse involves many factors like:

- Material of hoardings
- Size of hoardings
- Location of the premises
- Structural stability of the hoarding
- Natural factors like wind speed.

While analyzing the Ghatkopar hoarding collapse, an engineering expert's report submitted by technical experts from VJTI, stated that the Hoarding should have been built on a structure which should withstand wind speeds of 158 kmph considering its dimensions of 120x120 ft, however it was built on a structure with the capacity to withstand 49 kmph wind speed and on the day of the incident, the wind speeds was 87 kmph. The report has been submitted to Mumbai crime branch probing the incident[7]

[7] <https://www.freepressjournal.in/mumbai/ghatkopar-billboard-had-weak-foundation-vjti>



Role of citizens -

While little can be done on what is lost, we can look forward and as active citizens be aware of the developments and our obligation to report such incidents to the civic authorities.

The Bombay High Court judgement of 2017 specifically directed that a grievance redressal mechanism should be in place by the municipal authorities.

The complaint portal/numbers in case of illegal hoardings where citizens can complaint for their respective jurisdiction are as follows:

Municipal Corporation of Greater Mumbai -
https://portal.mcgm.gov.in/irj/portal/anonymous/q!complaintreg?guest_user=english

Navi Mumbai Municipal Corporation - Images of illegal hoarding and details can be shared on Whatsapp on 8422955912

Panvel Municipal Corporation - 022 27458040

Considering the untoward incident that took place in Mumbai and Pune, the Municipal Corporations should be more diligent towards granting permission for construction of Hoardings and should strictly comply with the Guidelines to avoid further mishap.

For any feedback or response on this article, the authors can be reached on riddhi.bhosale@ynzgroup.co.in and shravani.joshi@ynzgroup.co.in



Author: Riddhi Bhosale

Riddhi is an Associate at YNZ Legal. By qualification she has completed her Bachelor of Science in Biotechnology and Bachelor of Law from University of Mumbai.

Co-author: Shravani Joshi

Shravani is a Law Intern at YNZ legal. She is currently pursuing LLB from Vivekanand College. She has completed her Bachelor of Commerce from Mumbai University.

