

**POLICY ON REMOVAL OF UNAUTHORIZED ADVERTISEMENTS/HOARDINGS
AND ENFORCEMENT OF DELHI PREVENTION OF DEFACEMENT OF
PROPERTY ACT, 2007**

In compliance of the orders of the Hon'ble Delhi High Court dt.28/02/18 in CWP No.3367/2015 Col. Shivraj Kumar Vs. South Delhi Municipal Corporations & Ors., a Committee of the following officers has been constituted with approval of Hon'ble Lt. Governor to frame a policy with the object of ensuring cleanliness of public places and especially to maintain public property as per the provisions of Delhi Prevention of Defacement of Property Act, 2007:

Pr. Secretary (Urban Development) GNCTD	Chairman
Commissioner, South DMC	Member
Commissioner, North DMC	Member
Commissioner, East DMC	Member
Secretary, New Delhi Municipal Council	Member
Chief Executive Officer, Delhi Cantonment Board	Member
Additional Secretary (L&J)	Member
Pr. Chief Engineer (PWD)	Member
Representative of Delhi Police not below the rank of Deputy Commissioner of Delhi Police.	Member

The Committee held meetings on 18.3.2019 and 19.3.2019. The Committee Members had detailed discussions on the legal provisions, and present executive /enforcement action mechanism. The Chairman had discussions with the petitioner Col. Shivraj Kumar and took his notes on e-mail based on the discussions. It emerges that the issue is more of how to take effective executive action because the problem of Defacement is an ongoing problem. Over the last 03 years, particularly after the finalization of the Out-door Advertising Policy, 2017 and the monitoring by the Hon'ble High Court and submissions of the action taken report by the SDMC and other ULBs, to the Hon'ble High Court, the situation has improved.

In particular, revenue from authorized advertisement sites has improved from Rs.43 crores in 2015-16 to Rs.140 crores in 2017-18 for the SDMC. The Hon'ble LG has also given compounding powers to the five urban local bodies as per order No.F.18A(43)/99/UD/10-24 dated 02/01/2018.

During the discussions, one of the main issues raised was the need of effective and prompt action in cases of complaints filed by the ULBs under the Delhi Prevention of Defacement of Property Act, 2007. Another problem was the lack of awareness of the Act amongst the general public. There was also issue of delay between the detection of defacement and initiation of action by the ULBs. It was felt that a Standard Operating Procedure was required. Also the responsibility of the individual officers of ULB's/Police and reporting mechanism for Action Taken needs to be fixed.

1. **Defacement is of four types :**

- (i) Posters
- (ii) Banners
- (iii) Writing on the Walls
- (iv) Illegal Hoardings/Flexes/Digital Banners.

I. Existing Defacement: Existing Defacements as per the Act be removed by a Special Drive by all ULB's within 24 hours.

II. New Defacement: An SOP for immediate action to remove defacement is required. SOP' in the form of 311 App is listed at para 6.

2. **Actions to be taken by Civic Agencies :**

- (i) Civic Agencies must clearly define the duties of various departments / sections/officers to deal with the four types of Defacement.
- (ii) Defacement Free Zone should be criteria for the evaluation of concerned officers of each Zone of the Civic Agencies.

3. Public places will be identified by ULB's for displaying messages of political and social nature. Three sites per Ward may be identified by ULB's. ULB's will finalize the details of authorized sites alongwith terms & conditions and make a policy for them within 2 months after completion of General Election, 2019. Any other site other than these would be unauthorized under Delhi Prevention of Defacement of Property Act, 2007. Any defacement found other than on these authorized public places or unipoles, should be removed within 24 hours. The ULBs will identify and make public the name and contact details of officers responsible for the removal of the unauthorized advertisement/defacement in respective jurisdiction so that individual responsibility can be fixed.

4. DPDP Act must be uploaded on all Govt websites like the RTI Act so that all Govt employees are aware of the Act, both as Govt employee, and as the residents of Delhi. A copy of the DPDP Act should also be sent to all Educational Institutions to upload the same on their websites, so that the Students are made aware of the Act and they can include the same in their Eco-clubs. All Govt. buildings must be made Poster Free by the respective authorities owning the said building. Responsibility of officers incharge of buildings should be fixed in case any defacement is found.
5. A copy of the Delhi Prevention of Defacement of Property Act, 2007 will be uploaded on Delhi Police Website and sent to all the Police Stations so that every member of Delhi Police is aware of the same. All Police buildings must be Poster Free. Defacement Free area should be a criteria for the evaluation of performance of the SHO who shall be held responsible for any laxity in enforcement.
6. **STANDARD OPERATING PROCEDURE :-**
 - (i) An App under the name 311 is available for five Urban Local Bodies. To curb illegal/unauthorized displays, any member of the public or any officers/official of ULBs. can take photographs and upload it on the App. The app will geo-capture unauthorized display with its latitude-longitude position, and the officer concerned of the ULBs will take action against the same within 24 hours. In case of any delay, the officer concerned of the ULB will be liable for disciplinary action.
 - (ii) Further, all ULBs will be required to upload their authorized list of all the unipoles duly Geo mapped, to facilitate citizen and curb illegalities. This is in-line with existing initiative by EDMC, under its EDMC311 App, wherein, all its unipoles have been geo-fenced/geo-captured for enabling transparency in management, and facilitating citizens. Moreover, ULBs must ensure that all advertisement sites under their jurisdiction are in-accordance-with Outdoor Advertisement Policy(OAP)-2017. Any advertisement other than on authorized sites will invite an action as per law.

- (iii) The officers/officials of ULBs or any citizen can access 311 App for uploading the unauthorized advertisements. Action will be initiated by the ULBs for removal of all illegal/unauthorized displays, within 24 hours.
7. Any defacement within 24 hours will be removed by ULBs and action taken report will be placed on the web site itself and complainant will be informed of the action taken. All complaints should be tracked.
8. **EXERCISE OF POWER BY HON'BLE LT. GOVERNOR UNDER DPDP ACT, 2007 :-**

Under Section 4(1) of the Act, Hon'ble Lt. Governor vide order No. F/18A(43)/99/ UD/10-24 dated 2nd January, 2018 has conferred compounding powers on the officers **as below :**

"In exercise of the powers conferred by sub-section(1) of Section 4 of the Delhi Prevention of Defacement of Property Act, 2007, the Lt. Governor of the National Capital Territory of Delhi is pleased to appoint the following officers or authorities for compounding any offence of Defacement whether committed before or after the commencement of the Act, punishable under section 3 of the said Act :

- I. For areas of North Delhi Municipal Corporation, South Delhi Municipal Corporation and East Delhi Municipal Corporation :-
 - (i) Sub Divisional Magistrate of the Area.
 - (ii) Assistant Commissioner of the concerned zone of the Municipal Corporation.
- II For areas of New Delhi Municipal Council (NDMC):-
 - (i) Sub Divisional Magistrate of the Area.
 - (ii) Director (Enforcement) of NDMC
- III. For area of Delhi Cantonment Board (DCB):-
 - (i) Sub Divisional Magistrate of the Area.
 - (ii) Executive Engineer of Delhi Cantonment Board to be nominated by the Chief Executive Officer of the Board.

All such offences in this act shall be compounded by the authorities mentioned above on payment of such composition fee, which shall not be less than Rupees Five Thousand or the amount equal to expenses incurred for the removing or erasing the defacement, whichever is more.

This shall come into force on the date of their publication in the official Gazette.”

9. The officers/authorities i.e. SDMs/Asstt. Commissioners/Dir. (Enf.), NDMC & Executive Engineer, DCB who have been appointed for compounding the offence of Defacement, will fix their monthly schedule for their drive against defacement in their respective areas and will conduct special weekly drives.
10. Each Defacement will be separately compounded as one offence.
11. The printing presses will take undertaking from their customers that the posters/bills/banners printed by them will not be placed or pasted on the unauthorized public properties/premises leading to defacement.
12. **REPORTING FORMAT:-** The compounding authorities will submit their report regarding action taken against defacement from the month of April onwards in the prescribed format enclosed as **Annexure ‘A’**.
13. The Commissioner, Delhi Police shall be requested to issue circular to DCPs/authorities to extend cooperation and register FIR immediately as and when the ULB’s approach them for the same. In case of delay, the SHO concerned would be liable for disciplinary action. DCPs will review a monthly progress of the action taken on these FIR’s.
14. Officers concerned of the three DMCs at the zonal level will submit weekly Action Taken Report against defacement in the prescribed format to their Zonal DCs. and monitoring will be done by Zonal DCs. The ATR would indicate No. of Complaints/FIR lodged, No. of Charge Sheet submitted to Court, Amount of Compounding done by ULB, types of Defacement removed i.e. Poster, Banner, Writing on Wall, Illegal Hoarding, etc. & Location.
15. The Addl. Commissioner will take fortnightly review with Zonal DCs and submit monthly report to the Chairperson/Commissioner/CEO of ULBs.
16. In case of New Delhi Municipal Council, the fortnightly report in the prescribed format against defacement at zonal level will be submitted to the Secretary (NDMC), and Secretary (NDMC) will submit consolidated monthly report to the Chairman, NDMC.
17. In case of Delhi Cantonment Board, CEO of DCB shall take fortnightly review meeting regarding action taken against defacement.

ANNEXURE 'A'**Week under Report** _____

Name of Zone & ULB	No. of FIR filed	No. of charge sheet submitted to the Court	Compounding Amount by ULB	Details of Defacement removed i.e. Poster, Banner, Writing on Wall, Illegal Hoarding, etc. & Location