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15/4/19

MOST URGENT

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI

(DEPARTMENT OF POWER)

8<sup>th</sup> Level, B-Wing, Delhi Secretariat,

I.P. Estate, New Delhi-110002

No. F.11(15)/2007/Power/1105

Dated: 10-04-2019

Director (Operation)  
Delhi Transco Limited  
Shakti sadan, Kotla Marg,  
New Delhi-110002

Director (Tech)  
IPGCL-PPCL  
Rajghat Power House Complex  
New Delhi-110002

GM, DPCL  
Prefabricated Building  
Rajghat,  
New Delhi-110002

Chief Executive Officer  
Tata Power Delhi Distribution Ltd.  
NDPL House, Hudson Lines,  
Kingsway Camp, New Delhi-110009

✓ Chief Executive Officer  
BSES Yamuna Power Ltd.  
PMG Office, 2nd Floor, B-Block,  
Shakti Kiran Building, Karkardooma,  
New Delhi-110092

Chief Executive Officer  
BSES Rajdhani Power Ltd.  
BSES Bhawan, Nehru Place,  
New Delhi-110019

Subject: Policy on removal of unauthorized advertisement/hoardings and enforcement of Delhi Prevention of Defacement of Property Act, 2007

Sir

May please find enclosed letter received from Directorate of Information and Publicity (DIP), GNCTD, regarding Policy on removal of unauthorized advertisements/ hoardings and enforcement of Delhi Prevention of Defacement of Property Act, 2007. The DIP, GNCTD, has requested that the policy be made available on the respective websites and given wide publicity.

Accordingly, the policy is enclosed for kind information and to be made available on the respective websites.

Head-Bus.  
Head-HR  
Head-Corp.Comm

Encl: As above

Yours Faithfully

Y.S. Rana  
(J.S Rana)

Dy. Secretary (Power)

Copy to:

1. PS to Secretary (Power), GNCTD
2. PS to Spl. Secretary (Power), GNCTD

sn 10/4/19  
Deswal

15 days

PL from policy  
in terms of  
advs. given



Most Urgent

DIRECTORATE OF INFORMATION AND PUBLICITY  
GOVERNMENT OF NCT OF DELHI  
BLOCK-9, OLD SECRETARIAT, DELHI -110054.

|                     |
|---------------------|
| Department of Power |
| Diary No. 2597      |
| Date 05/4/2019      |

F.No. 4(1)/DIP/OD/2019-20/1849

Dated: 04/04/2019

All Pr. Secretaries/Secretaries/HOD's  
Of Delhi Govt. Department/Boards/Corporations  
/Committees/PSUs/Autonomous Bodies

O/o Secretary (Power) GNCTD  
Diary No. 67  
Date 05-04-19

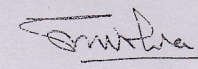
**Sub. : Policy on removal of unauthorized advertisements/hoardings and enforcement of Delhi Prevention of Defacement of Property Act, 2007.**

A policy on removal of unauthorized advertisements/hoardings and enforcement of Delhi Prevention of Defacement of Property Act, 2007 has been approved by the Hon'ble Lt. Governor, NCT of Delhi and filed in the High Court of Delhi in the matter of Col. Shivraj Kumar Vs South Delhi Municipal Corporation and Ors. as conveyed vide Pr. Secretary (UD) letter no. (ADLB)/court case/2019/SHIV RAJ/5132 dated 29.03.19.

The Policy has the objective of removal of defacement as per the provisions of Delhi Prevention of Defacement of Property Act, 2007.

A copy of the Policy is enclosed with the request that the Policy is made available on your respective websites and the given wide publicity. Earlier an email in this regard has also been sent to all HOD's of Government of NCT of Delhi.

1. add in website  
2. ~~add in website~~  
Power Dept, ADL, DPCL, IPGCL/PPCL  
S/4

  
(Sandeep Mishra)  
Director (I&P)

SS/PJ  
16/4/19

YJ  
9/4  
OSD(P)  
AS(P)



**POLICY ON REMOVAL OF UNAUTHORIZED ADVERTISEMENTS/BOARDINGS  
AND ENFORCEMENT OF DELHI PREVENTION OF DEFAACEMENT 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<br>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 2<sup>nd</sup> 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. (Inf.), 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.

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| 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 |
|--------------------|------------------|--|---------------------------|---|
|                    |                  |  |                           |   |