



POLICY

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The Punjab Municipal Outdoor Advertising Policy 2018

1. Basis of the policy

1.1 Ensuring road safety

The policy is based upon a careful review of global studies on the safety of hoardings. The premise of the policy is that all hoardings are not hazardous, but clearly hoardings on roads, visible to traffic, are potential dangers to drivers. It is for this reason that the outdoor advertising policy has given careful and high consideration to issues of road safety. This requires the policy to consider the location, design, size or type of sign along the arterial routes, where the potential for conflicts with traffic safety is highest. It also requires enforcement measures to ensure that structures adhere to these stipulations.

The policy is premised on the fact that while outdoor advertisements do bring revenue to the city, any city-based policy must be driven by considerations of safety and aesthetics.

The policy must discourage too much ‘visual clutter’ at or near intersections and junctions as it can interfere with drivers’ visual search strategies and lead to accidents.

The policy for outdoor advertisement must not negate the safety of road users and in fact, it must be driven by the concern for road safety.

We should be aware that the plethora of advertising at roadsides and signage may be contributing to road accidents.

1.2 Working for city aesthetics

The Punjab municipal outdoor advertisement policy 2018 is based on the premise that it is important to maintain character of the city and to discourage visual clutter.

The policy is premised on the basis that advertisements are promoted primarily in parts of the city, which are commercial in nature: business, industrial and shopping districts and discouraged in residential areas and urban freeways.

The objective of the outdoor advertising policy is “to seek the enhancement of the physical character and visual appearance of the city.

2. Principles and objectives : The Punjab Municipal Outdoor Advertising Policy, 2018

1. The policy for outdoor advertising is driven not only by revenue imperatives, but by city development imperatives. Therefore, in its implementation, it will be clear that outdoor hoardings/Billboards are permitted only if they are not a road safety hazard or if they support the city's public service development and enhance its aesthetics.
2. The policy will explicitly work to discourage visual clutter. This will be done by increasing the space between the billboards and in restricting large billboards to select areas of the city.
3. The policy is designed to ensure that outdoor advertising is not hazardous to traffic. It will assume that there is a significant correlation between road safety and distraction because of roadside billboards, visible to the drivers. This will be done by allowing large size billboards only after significant distance from the traffic junctions and intersections, by providing significant space between the two billboards on roads, by not permitting billboards on pedestrian walkways and in placing billboards at significant distance from existing carriageway.
4. The policy will actively promote the large size billboards in commercial areas (defined as metropolitan city centre, district centre/sub central business district, community centre/local shopping centre/convenience shopping centre in the master plan) of the city. In this case, the agency will work to maximize the revenue gains, which can be used for city development.
5. The policy will promote the use of advertising in what is commonly known as street furniture. These are devices placed on public service amenities of the city like railway carriages, buses, metro trains, commercial passenger vehicles, bus shelters, metro shelters, public toilets and public garbage facilities, to name a few. This is done to improve the revenue viability of these public provisions. But it will be noted that the use of advertising space is not the primary function of the utility, it is its supporting function. Therefore, the city agency will ensure that the placement of the public utility is done keeping in mind its public purpose, not its advertising viability. In addition, the agency will ensure that the primary function of the “street furniture” is being maintained and if not then suitable punitive action must be taken against the advertising concessionaire.
6. The policy is judicious in ensuring that there is a differentiation between the use of commercial advertising and private advertising, where signage is used to identify the location of the owner of the building or the space within the building. The policy will do this by laying down clear lists of what is allowed and what is completely disallowed to guide members of the public.
7. The policy will be strictly adhered to and to achieve these objectives, ULBs will impose enhanced penalties as decided/fixed and approved by the Government from time to time and check misuse through regular inspections.
8. The policy will be applicable to all the ULBs of Punjab. All land-holding agencies will be required to follow the provisions of the policy and to take the requisite permissions.
9. Once in effect, all approvals will be taken in compliance with the provisions of the policy. However, advertisement contracts already approved by the concerned authorities will continue as such till the expiry of the contract period.

3. Categories of Advertisement Devices

As per the policy of 2018 the advertisement devices have been categorized as follows:

Category 1: Large-format advertisements, mainly fixed on billboards/Unipoles/Bipoles/Variable Message advertising device such as LED, LCD Screens etc./and bridge / flyover panels/ Gantry etc;

Category 2: Advertisements mounted on public amenities, like public toilets, garbage collection points/Flag Signs etc;

Category 3: Fleets and transport related infrastructure;

Category 4: Advertisement devices for self-advertising in commercial areas

4. Role of Urban Local Bodies (ULBs)

Within the jurisdiction of Municipal Corporation, Outdoor Advertisement devices visible to public shall be governed by the provisions under section 399 H(16), 90(1)(d) and 122 to 126 of the Punjab Municipal Corporation Act, 1976 and such other provisions as may be amended from time to time by the State Government.

With the jurisdiction of Municipal Councils and Nagar Panchayats, Outdoor Advertisement devices visible to public shall be governed by the provisions under section 79 A to E of the Punjab Municipal Act 1911 or such other provisions as may be amended from time to time by the State Government.

Under the above mentioned provisions of the Punjab Municipal Corporation Act, 1976 and the Punjab Municipal Act, 1911 the municipalities are empowered to frame Bye-laws relating to outdoor advertisement policy once the Punjab municipal outdoor advertisement policy 2018 comes into effect the ULBs will be responsible for ensuring that there is strict compliance with all provisions of the policy. This will require enforcement and all steps to ensure that if the policy is not adhered to or it is misused then strict action will be taken against Official Incharge and defaulters (Advertiser and Property Owner) including levy of penalty as decided/fixed and approved by the Government from time to time..

In ULBs no person shall erect, exhibit, fix or retain or over any land, building, wall, hoarding, frame, post, kiosk/Bill Board (to be displayed on electric pole) or structure or upon or in any vehicle, any advertisement or display any advertisement to public view in any manner whatsoever in any place within the jurisdiction of the ULBs without the prior written permission of the Commissioner/ EO concerned.

In ULBs the Commissioner/ EOs must ensure that no person except licensed or registered advertisers or agencies is allowed to undertake the display of advertisement on behalf of others.

In ULBs the Commissioners/ EOs have the powers to check on unauthorized and illegal outdoor advertising, to remove or prohibit the display of any such advertising and to impose a penalty as decided/fixed and approved by the Government from time to time for non compliance with the provisions of the policy.

In Punjab Municipal outdoor advertisement policy 2018 it is provided that to effectively enforce provisions of the policy, the ULBs must ensure that they provide deterrence for non compliance. (PENALTY)

5. Advertisement Regulatory Committee

The advertisement regulatory committee (ARC) would be constituted at ULB level to accord prior approval to the advertisement sites/ devices identified by ULB before floating the tender. The ARC would also ensure that respective ULB there is strict compliance of all the provisions of policy and the respective advertisement bye-laws made there under. Composition of Advertisement Regulatory Committee (ARC) at ULBs level will be as given below:

1. Representative from DM/SDM Office
2. Commissioner/ EO of the concerned ULB
3. JE/SDO/Xen, PWD (B&R)
4. Representative of the Traffic Police.
5. Incharge of Advertisement Branch of ULB
6. SDO/Xen/ of PSPCL
7. Representative of National Highway Authority of India.
8. JE /SDO/ATP/MTP/XEN of the Concerned ULB
9. JE /SDO/Xen of BSNL

6. Implementation of the policy

6.1 Compliance, enforcement and removal of unauthorized advertising devices

ULBs officers and other agencies, local governments should be familiar with the management responsibility for advertising in outdoor for city. In particular should be alert and would ensure that within their jurisdiction,

- No person shall erect, exhibit, fix or retain or over any land, building, wall, hoarding, frame, post, kiosk/Bill Board (to be displayed on electric pole) or structure or upon or in any vehicle, any advertisement or display any advertisement to public view in any manner whatsoever in any place within the jurisdiction of the ULBs without the prior written permission of the Commissioner/ EO concerned.
- No person except licensed or registered advertisers or agencies is allowed to undertake the display of advertisement on behalf of others,

by submitting weekly report to the commissioner/ EO of respective ULBs that within their jurisdiction there is strict compliance with all provisions of the policy. Further Commissioner/ EO of respective ULBs would submit the monthly compliance report to DLG:

- An employee would be charged for dereliction of duty if he/she would not ensure that there is strict compliance with all the provisions of policy and the bye-laws made there under in the area under his/her jurisdiction. The State would recover the amount of loss suffered by the state from the concerned employee for his/her dereliction of duty.
- Flying squad at the level of DLG would be constituted that would conduct random checking region wise of ULBs to ensure that there is strict compliance with all provisions of the policy.
- In ULBs Traffic Police incharge would ensure that advertisement mounted on traffic barricades are only of licensed or registered advertisers or agencies is allowed to undertake the display of advertisement on behalf of others, and would submit the fortnightly compliance report of the concerned provisions of the advertisement policy to the SSP of the District concerned and further SSP would submit the monthly compliance report to the DLG.
- As to bring transparency, On the web portal of Department-ULB wise and on the public notice board of the ULBs concerned. The following information would be displayed: the number, type and size of authorised advertising devices, name and contact number of the advertising device licence holder, and validity of permission granted by the Commissioner / EO concerned.
- On the web portal of department alert citizen can register complaint regarding non-compliance of the provisions of the said policy and the same complaint would be redressed within 3 days and complainant would be informed of the action taken regarding the complaint submitted.
- In case of non payment of fine/ penalty imposed on the advertiser and Property Owner for contravention of provisions of policy by the Commissioner/ EO the said fine and penalty would be recovered as per procedure prescribed in the concerned Municipal Act.

A range of actions is available when an Advertising Device is observed to create a traffic hazard and does not comply with the requirements of this Policy:-

- (a) To ensure equity, enforcement should be applied uniformly across ULBs.
 - (b) Any unauthorized Devices installed at any location, property, vehicle, bridge, building etc shall be removed and impose the penalties as decided/fixed and approved by the Government from time to time on the advertiser for the contravention of the provisions of the policy. No leniency shall be shown towards any violator or unauthorized device, during the removal of any unauthorized device.
- i. If the Advertising Device is creating, or likely to create, a traffic hazard, immediate action should be taken to remove the Advertising Device and impose the penalties if applicable as decided/fixed and approved by the Government from time to time on the advertiser and property owner for the contravention of the provisions of the policy.
 - ii. Low value Advertising Devices may be immediately removed, disposed of and impose the penalties as decided/fixed and approved by the Government from time to time on the advertiser for the contravention of the provisions of the policy. These are typically attached to guide posts, power poles, lighting columns and trees; and manufactured from low cost materials such as cardboards or conflate.

- iii. Higher value sign devices such as steel framed Advertised-signs, wall mounted panels, unregistered trailers or devices that incorporate a substantial structure where the device does not pose a traffic hazard, the owner must be ordered to remove unauthorised Advertising Device and impose the penalties as decided/fixed and approved by the Government from time to time on the advertiser for the contravention of the provisions of the policy.
- iv. Where unauthorized advertising is removed, it may be disposed of after being stored for period of 15 days. The owner may collect the Advertising Device upon payment of a fee and penalties as decided/fixed and approved by the Government from time to time.
- v. Advertising attached to a vehicle, where a registered motor vehicle or trailer is parked within the jurisdiction of ULBs road for the sole purpose of Advertising, the Traffic Police concerned should be requested to remove the vehicle. A current registration label or registration plate would be evidence of registration. The vehicle owner shall be given custody of vehicle only after paying the fine/penalties as decided/fixed and approved by the Government from time to time, otherwise the vehicle can be confiscated and non-payment of penalties in due time would lead to ULBs and Traffic police concerned to dispose the vehicle.

6.2 Legal Action

Legal proceedings or the issue of an infringement letter may be undertaken for an unauthorized Advertising Device (in addition to removing the device). The unauthorized advertisement will be removed immediately, at the cost of the advertiser and property owner for which no legal notice is required to be given. All legal action can be taken by the concerned ULB as per applicable Act. Action can be taken, apart from others provision under the Punjab Prevention of defacement of Property Act-1997.

6.3 Jurisdiction

Jurisdiction of Judicial Court is barred and decision of The Commissioner/ EO concerned can be appealed against in the office of Director, Local Government, Punjab.

6.4 Indemnity

A licensee/sign owner/applicant (licensee) shall be required to indemnify the ULBs concerned for the designated Advertising Device and activities located within the jurisdiction of ULBs. The licensee shall indemnify the ULB concerned against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against, or made upon the ULBs which arise as a result of the installation of an Advertising Device. The licensee shall keep the ULBs indemnified against all actions, proceedings, claims, demands, costs losses damages and expenses which may be brought against, or made upon, the ULBs which might arise from the existence of such Advertising Device.

The advertiser shall always be responsible for any injury or damage caused to or suffered by any person or property arising out of or relating to the display of device/ advertisement and the consequential claim shall be borne by the advertiser who will also indemnify and safeguard the ULBs in respect of any such claim or claims.

6.5 Insurance

The Licensee shall provide evidence of public liability insurance for the following types of Advertising Devices and activities located within the boundaries of ULBs.

- i. Category 1 Advertising Devices
- ii. Category 2 Advertising Devices
- iii. During the term and at its sole cost and expense, the licensee shall obtain and keep (in full force and effect in the joint names of the licensee and ULBs concerned) a public liability insurance policy for their respective rights, interests and liabilities to third parties in respect of accidental death of, or accidental bodily injury to, persons; or accident damage to property.
- iv. The public liability policy of insurance shall be for an amount as specified by Government for any single event (or such higher amount as may be notified by Government in writing by the Government from time to time) and shall be effected with and insurer approved by Government and on the terms approved in writing by the Government.
- v. The public liability policy of insurance shall include a clause in which the Insurer agrees to waive all rights of subrogation or action that it may have or acquire against all or any of the persons comprising the insured.
- vi. The licensee shall produce evidence to the satisfaction of the ULBs of the insurance affected and maintained by the licensee for the purposes of the second paragraph above, within seven days of receiving a written request to do so from the ULBs.

6.6 Appeals

Among other things, a person whose interests are affected by a decision of Commissioner/ EO concerned. relating to an Advertising Device may lodge such an appeal to DLG, Before lodging an appeal, the affected person shall seek from the concerned ULB a statement of reasons for the decision.

6.7 Penalty

- Whoever contravenes any provisions of the Act, the Bye-Laws and this policy the term and conditions on the subject or fails to comply with the order or directions lawfully given shall be punishable with a Fine/Penalty as decided/fixed and approved by the Government from time to time for each day during which such contravention or failure continues.
- Any unauthorized/illegal Advertisement will attract penalty for each day, the quantum of such penalty shall as decided/fixed and approved by the Government from time to time.
- If the contravention still continues, the Commissioner/ EO shall require the owner or occupier of the (and, wall, hoarding, frame, pose, or vehicle upon or over removed such advertisement or enter any land, building, property or vehicle and have the advertisement dismantled, taken down or removed or spoiled, defaced or screened.

- Any other action including blacklisting of agency or advertiser may be taken as decided by the Commissioner/EO concerned.

7 Procedure and terms for grant of permission

The following procedure will apply for grant of permission for erection, exhibition, fixation, retention or display of advertisement:

1. Every person desiring to erect, exhibit, fix, retain or display an advertisement shall send or cause to be send to the Commissioner/EO an application for permission.
The said application form duly completed in all respects shall be submitted or cause to be submitted by the applicant in the concerned department of ULBs against a proper receipt, The Commissioner/ EO or the Officials authorized by him may after making such inspection as may be necessary and within thirty days after the receipt of the application, grant, refuse, renew or cancel the permission, as the case may be, in accordance with the provisions of the Act, the Bye-laws made there under and Outdoor Advertisement Policy.
2. No application shall be considered by the Commissioner/EO, if it is not submitted in the prescribed Performa along with all the documents as are required by the Commissioner/EO from time to time. Any application submitted in any other form shall be deemed to be rejected without any notice and no person shall exhibit, erect, fix or retain upon or over any land, building, wall etc. any advertisement and display any advertisement to public view on the basis of the same.
3. There shall be no deemed permission even after the expiry of 30 days of the submission of application in the prescribed Performa along with all the documents.
4. If any advertisement fees and/or penalty/interest is not paid within stipulated time after the demand notice, the same shall be recoverable as per the procedure provided in the act and the permission shall be deemed to be terminated. The Commissioner/EO would remove the hoarding.
5. If any advertisement erected, exhibited, fixed or retained on any land and building unauthorized and in contravention of provision of the Act and the bye-laws framed there under, such advertisements or hoardings shall be removed by the Commissioner without any notice whatsoever and expenses regarding removal of such unauthorized advertisement or hoardings shall be recovered from the concerned as per Commissioner/EO instructions.
6. Contracts of outdoor advertisement will be given for a maximum period of 3 years through e-tendering. In case there is an exception to this then the agency desirous of giving a contract for a longer period will be required to seek approval from the Government.
7. Advertisement companies which are declared blacklisted/ defaulter by any authority in India or are not registered as an advertiser with the ULBs are not allowed to get the advertisement contract from any agency for advertising in ULBs and the Commissioners/EOs would share the information regarding the said black listed agencies among themselves and with the DLG.

8. If the Director/ Partner/ Proprietor etc. of any Company/Agency/Firm/Individual etc. has remained the Director/ Partner/ Proprietor etc. of a Company/Agency/Firm/Individual etc. which was ever black listed/ debarred by any Government authority of anywhere in India or the Director/ Partner/ Proprietor etc. of the Company/Agency/Firm/Individual etc. is defaulter of any Government / Semi-Government, then such Company/Agency/Firm/Individual etc. will not be allowed to participate in the tendering/ bidding process.
9. If any Company/Agency/Firm/Individual etc. has been black listed/ debarred by any Government / Semi-Government, or is defaulter of any Government / Semi-Government, then authorised signatory of such Company/Agency/Firm/Individual etc. will not be allowed to bid for any tender on behalf of that company or any other company.
10. While participating in the tender, the Company/Agency/Individual /Firm etc. will have to submit an affidavit on Non-Judicial stamp paper declaring that their company or any Director/Member/Authorised signatory has never been black listed/ debarred by any Government or Semi-Government and is not defaulter of any Government or Semi-Government.