

## REFORMS 2015-16

1. Type of Reform: Municipal tax and fees improvement.
2. Reform Milestone No 7 (a)(5): Achieve full potential of advertisement revenue by making a policy for destination specific potential having dynamic pricing module.
3. Status: ACHIEVED
4. In case not achieved / partially achieved – Action to be taken and by whom
5. Documents attached:
  - New outdoor advertisement policy has been prepared and notified.
  - Modal Outdoor advertisement Bye-laws of the all the ULBs are notified.
  - The tenders for all the ULBs have been completed.
  - To achieve the full potential of advertisement revenue, all the ULBs has been divided into clusters and Rights for the advertisement revenues given to the private agencies cluster wise.
  - The Copy of notifications is enclosed.

  
Joint Deputy Director  
Department of Local Govt. Punjab

NOTIFICATION

THE 7<sup>TH</sup> DECEMBER 2012

THE PUNJAB OUTDOOR ADVERTISEMENT POLICY 2012

No. 11/2/2012-51g3/3233.- The Governor of Punjab is pleased to notify the Punjab Municipal Outdoor Advertisement Policy 2012, as following:-

**1.0 Back ground** - The Punjab Municipal Outdoor Advertisement Policy 2012" responds to emerging global practices as well as the need to maintain the character of the cities in line with their heritage and cultural background. The Policy is premised on the fact that while Outdoor Advertisements do bring revenue to the city, it must be driven by considerations of safety, aesthetics, decency and social ethics and 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.

**2.0 Application** - The policy shall be applicable to all advertisements within the limits of the Municipalities, whether on land, building, wall, hoarding, frame, kiosk, post, tree guards or by any other means whatsoever by which it is open to public viewing, visible from a public street or public place, whether moving or non-moving.

**3.0 Definition** - Advertisement means any word, model, sign, character, letter, representation or illustration applied to any surface or structure and displayed in any manner whatsoever, whether illuminated or not in the nature of and employed wholly or in part for the purpose of advertiser or to give information or announcement regarding or to attract or to direct the public to any place, person, public performance, article or merchandise whatsoever.

**4.0 Guiding Principles -**

- a) The Policy is driven, not by revenue imperatives, but by city development imperatives.
- b) The Policy shall 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, like its commercial hubs.
- c) The Policy is designed to ensure that Outdoor Advertisement is not hazardous to traffic.

- d) The Policy shall actively promote the large size billboards in commercial areas (defined as city centre, district centre, sub central business district, community centre / local shopping centre/ convenience shopping centre in the master plan) of the city.
- e) The Policy shall promote the use of advertisement in what is commonly known as street furniture. These are devices placed on public service vehicles, bus shelters, metro shelters, public toilets and public garbage facilities etc.
- f) The Policy shall ensure that there is a differentiation between the use of commercial advertisement and private advertisement, where signage is used to identify the location of the owner of the building or the space within the building.

## 5.0 Role of Municipal Corporations / Municipal Councils / Nagar Panchayats -

- 5.1 Within the jurisdiction of Municipal Corporations, 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.
- 5.2 Within the jurisdiction of Municipal Councils and Nagar Panchayats, Outdoor Advertisement devices visible to public shall be governed by the provisions under section 188(n) of the Punjab Municipal Act 1911 or such other provisions as may be amended from time to time by the State Government.
- 5.3 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 the regulation of the posting of bills and advertisements and of the position, size, shade or style of the name boards, sign-board and sign posts, impose Tax and regulate erection, exhibition, fixing, retention, display of advertisements upon or over any land, building, wall, boarding, frame, post or structure or upon in any vehicle.

## Classification of Advertisement Devices

6.1. The advertisement devices shall be broadly classified as follows:-

- (a) **Category 1:** Large-format advertisements, mainly fixed on billboards / unipoles and bridge and flyover panels;
- (b) **Category 2:** Advertisements mounted on public amenities, like public toilets, garbage collection points etc;
- (c) **Category 3:** Fleets and transport related infrastructure;
- (d) **Category 4:** Advertisement devices for self-advertisement in commercial areas;
- (e) **Category 5:** Advertisement devices relating to promotion of social activities, Public programmes of the Union of India or State Government or Municipal Authority; and
- (f) **Category 6:** Advertisement devices relating to organization of exclusive social and religious functions / programmes.

6.2. The Municipalities shall identify and notify areas/ zones/ spaces where each of the above categories of advertisements can be installed or put up in keeping with the Policy.

## 7.0 Outdoor Advertisement and Road Safety

An advertisement device may be considered a traffic hazard:

- a) If it interferes with road safety or traffic efficiency;
- b) If it interferes with the effectiveness of a traffic control device (e.g. traffic light, stop or give way sign);
- c) If it distracts a driver at a critical time (e.g. making a decision at an intersection);
- d) If it obscures a driver's view of a road hazard (e.g. at corners or bends in the road);
- e) If it gives instructions to traffic to "stop", "halt" or otherwise (e.g. give way or merge);
- f) If it imitates a traffic control device;
- g) If it is a dangerous obstruction to road or other infrastructure, traffic, pedestrians, cyclists or other road users;
- h) If it is in an area where there are several devices and the cumulative effect of those devices may be potentially hazardous; and
- i) If it is situated at locations where the demands on drivers' concentration due to road conditions are high such as at major intersections or merging and diverging lanes.

## Control of the Physical Characteristics of Advertisement Devices -

### 8.1 The physical characteristics of advertisement devices shall be

based on the following :

- a) Advertisement Devices shall not use shapes that could potentially result in an advertisement device being mistaken for an official traffic sign;
- b) The Code of Practice for Road Signs IRC: 67-2001, by Indian Roads Congress which prescribes the basic design parameters of official traffic signs and includes standard legend/background color combinations;
- c) Advertisement shall not contain flashing red, blue or amber point light sources which, when viewed from the road, could give the appearance of an emergency service or other special purpose vehicle warning light/s;
- d) All lighting associated with the advertisement device shall be directed solely on the Advertisement Device and its immediate surroundings;
- e) External illumination sources shall be shielded to ensure that external 'spot' light sources are not directed at approaching motorists;
- f) Illumination of advertisement device is to be concealed or be integral part of it;
- g) Upward pointing light of the device shall not be allowed, any external lighting is to be downward pointing and focused directly on the sign to prevent or minimize the escape of light beyond sign;
- h) Any light source shall be shielded so that glare does not extend beyond the advertisement device;
- i) The average maintained luminance shall be reduced to 0.5 candela or all together shut, after 2300 hours (11pm) and sunrise by automatic timing devices;
- j) Non-static illuminated advertisement devices (flashing lights) are not permitted within the boundaries of municipal roads, and
- k) Moving, rotating or variable message advertisement devices are not permitted within the boundaries of Municipal Authority controlled roads as these cause a statistically significant distractive influence on motorist's response times to external stimuli.

8.2 The above said permission criterion is not intended to apply to variable message displays used by road authorities for traffic management or for displaying other corporate information. Variable message displays located at bus stops or similar places where messages are directed at, and intended for, pedestrians (not motorists) are excluded.

## 9.0 Content Criteria for Advertisement

9.1 The Municipalities shall take action to modify or remove any advertisement device that contravenes the following negative advertisements or that otherwise causes a traffic hazard: -

### **List of Negative Advertisements**

- a) Nudity;
- b) Racial advertisements or advertisements propagating caste, community or ethnic differences;
- c) Advertisement promoting drugs, alcohol, cigarette or tobacco items;
- d) Advertisements propagating exploitation of women or child;
- e) Advertisement having sexual overtones;
- f) Advertisement depicting cruelty to animals;
- g) Advertisement depicting any nation or institution in poor light;
- h) Advertisement casting aspersion on any brand or person;
- i) Advertisement banned by the Advertisement Council of India or by any law for the time being in force;
- j) Advertisement glorifying violence;
- k) Destructive devices and explosives depicting items;
- l) Any psychedelic, laser or moving displays;
- m) Advertisement of weapons and related items (such as firearms, firearm parts and magazines, ammunition etc.);
- n) Advertisements which may be defamatory, trade libelous, unlawfully threatening or unlawfully harassing;
- o) Advertisements which may be obscene or contain pornography or contain an "indecent representation of women" within the meaning of the Indecent Representation of Women (Prohibition) Act, 1986;
- p) Advertisement linked directly or indirectly to or include description of items, goods or services that are prohibited under any applicable law for the time being in force, including but not limited to the Drugs and Cosmetics Act, 1940, the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954, and the Indian Penal Code, 1860; and
- q) Any other items considered inappropriate by the municipalities.

9.2 For all categories of devices (except Category of devices which are directed at pedestrians), text elements on an advertisement device face should be easily discernible to traveling motorists. This will minimize driver distraction. Additionally, a sign shall be quickly and easily interpreted so



as to convey the required advertisement message to the viewer and reduce the period of distraction.

**9.3** The content or graphic layout exhibited on advertisement device panel shall avoid hard-to-read and overlay intricate typefaces and have letters' style that are appropriate. Under no circumstances should the device contain information in text sizes, which would necessitate the driver or passenger in a moving vehicle to stop, read and/or note down, which is detrimental to smooth flow of traffic and distracts the drivers.

**9.4** All signs shall be so designed as to maintain a proportion where, as a general rule, letters should not appear to occupy more than 20% of the sign area, unless otherwise permitted by the municipalities.

#### **10.0 Conservation Areas.**

**10.1** There are certain areas where advertisement is considered inappropriate due to the nature of the surrounding area. Under this Policy, the advertisement shall not be allowed in the following areas:

- a) National Parks, district forests and water bodies in it;
- b) Historical monuments, cremation grounds, graveyards and ruins;
- c) World Heritage areas;
- d) Areas classified as remnant endangered regional ecosystems; and
- e) All religious places, like Temple, Mosques, Churches and Gurudwaras etc.

**10.2** Exceptions to the above restrictions shall apply in special circumstances. For example in tourist service centers/ accommodation and businesses, advertisement devices may be permitted as part of a regional tourist plan.

**10.3** In rare and exceptional circumstances, applications for exceptions shall be considered on a case-by-case basis by the municipalities on the recommendation of the Advertisement Regulation Committee.

## 11.0 Advertisement Bye-laws.

Advertisement Bye-laws prescribing the manner of regulation and control of advertisement, prohibited areas and areas of special control and restrictions imposed in such areas, permissibility of different category of advertisement devices, permission criteria, and functions of the Advertisement Regulation Committee shall be framed by all the Municipalities of the State.

## 12.0 Imposition of Advertisement Taxes

The Advertisement Tax shall be levied at rates as may be notified by the Department of Local Government, Government of Punjab in keeping with the provisions of the Punjab Municipal Act, 1911 and the Punjab Municipal Corporation Act, 1976.

## 13.0 Mode of allotment

- (i) The allotment of space / rights for display of Advertisement shall be done through e-tendering / open auction. The allotment shall be done for a minimum period of three years and maximum upto seven years. However, in case any Municipality intends to follow any other mode of allotment of space or rights for display of Advertisement, it shall send such a proposal to the Department of Local Government, Government of Punjab along with reasons for doing so, particularly the financial implications, for approval. The Department of Local Government, Punjab shall pass an order in writing for accepting or rejecting or modifying such a proposal.
- (ii) The spaces identified and reserved for display of advertisements relating to promotion of Public programs of the Union of India or the State Government or the Municipal Authority shall be retained by the Municipality and shall be put to use free of cost as required from time to time.
- (iii) The spaces identified and reserved for display of advertisements relating to organization of exclusive social and religious functions and programmes shall be retained and allotted at the rates so fixed by the concerned municipality thereon from time to time.

## 14.0 Saving and Repeal

The existing Outdoor Advertisement Policy / Bye-laws shall stand repealed from the date of notification of this policy. However, the existing contracts of



advertisement rights as per the existing Policy / Bye-laws shall continue till the allotment or contract period. However, no extension shall be granted to anyone on expiry of existing contracts or allotment.

Dated Chandigarh, the  
7<sup>th</sup> December 2012

SURESH KUMAR  
PRINCIPAL SECRETARY TO GOVERNMENT PUNJAB,  
DEPARTMENT OF LOCAL GOVERNMENT.

**Endorsement No. 11/2/2012-5lg3/3234 dated Chandigarh, the 7<sup>th</sup> December, 2012**

A copy, with a spare copy, is forwarded to the Controller, Printing & Stationery, Punjab, Chandigarh, with the request to publish the above notification in the Punjab Government Gazette Extraordinary, and supply 250 spare copies for use in the office.

Under Secretary Local Government

**Endorsement No. 11/2/2012-5lg3/3235 dated Chandigarh, the 7<sup>th</sup> December, 2012**

A copy each is forwarded for information and necessary action to the following :-

1. Principal Secretary to the Chief Minister, Punjab
2. Secretary to the Deputy Chief Minister, Punjab
3. Private Secretary to the Local Government Minister, Punjab
4. Director Local Government, Punjab
5. Director, Information & Public Relations, Punjab
6. Director Town Planning, Local Government Department, Punjab, with the request to take further necessary action, after taking approval of the competent authority on file.
7. All officers in the Local Government Department, Punjab.
8. Commissioners of all Municipal Corporations in the State.
9. Regional Deputy Directors of Urban Local Bodies in the State.
10. Executive Officers of all Municipal Councils/Nagar Panchayats in the State.

Under Secretary Local Government.