

Delhi Outdoor Advertising Policy 2017

An initiative by the Municipal Bodies of Delhi
(SDMC/NDMC/EDMC)/NDMC

Finalised as per the directions of the
Hon'ble Supreme Court by the
Environment Pollution (Prevention and Control) Authority
in July, 2017

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The Delhi Outdoor Advertising Policy 2017

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.

To finalize the policy, the studies cited by advertisement concessionaires, in support of their contention that there is no correlation between outdoor advertisement structures and accidents have also been reviewed. The two studies most cited are by the Delhi based School of Planning and Architecture and the Kolkata based Centre for Advance Research on Transportation (CART). It is clear from studies done across the world that there is substantial concern regarding the correlation between the distraction caused by the outdoor advertisements and driving. The studies state that it is not possible to correlate the danger to the specific accidents caused in the city, partly because drivers fear losing their insurance claim and partly because data does not exist in accident records, which tracks the correlation.

In this matter, the Delhi Police has also stated its position. Its concern is driven by safety of road users and based on this the agency has stressed that:

- a. No advertising device has to be placed anywhere under any category which will obstruct free movement of road users;
- b. The distance between two advertisement devices should not be less than 100 m on highways and main city roads.

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.

Review: Safety and hoardings

The Australian government's Report of the Road Safety Committee on the Inquiry into Driver Distraction makes it clear that visual clutter impacts driver safety. It also quotes that a motor insurance company observed from their investigations that the clutter of road signs and advertising accounted for a number of crashes.

A global review and analysis of different studies done by B Wallace, a UK based researcher found that following:

- a. The effect is real. However, it is situation-specific. Many billboards and signs may have no measurable impact on road safety, but there is overwhelming evidence that, at least in some situations, signs and billboards can be a threat to road safety.
- b. Almost all studies agree that too much 'visual clutter' at or near intersections and junctions can interfere with drivers' visual search strategies and lead to accidents.

Two recent Indian studies do not find any correlation between road safety and outdoor hoardings. However, a careful review of the two studies finds serious flaws in their research methodology and resultant conclusions. The study done by the School of Planning and Architecture, New Delhi has only reviewed global studies that found no connection or studies whose results were inconclusive. It ignores in its review the numerous studies (available easily) that have found such correlations. It also ignores the basic issue raised by international studies that even if the driver does not cite a correlation between the hoarding and his or her distraction, it cannot be negated. The School of Planning study uses police data to prove that there is no correlation between the two. However, it does not clarify if the police are required to question (as part of their questionnaire) the drivers, to find out if they were influenced by roadside signs, when the accident occurred. And even if they were, would the driver admit to the police because of legal and insurance claim issues.

The Calcutta study was commissioned Selvel advertising limited, which has major stakes in the business. This study is also found wanting in its methodology. For instance, its conclusions have been drawn on the basis that accidents were mostly caused by negligence and carelessness of drivers, passengers and pedestrians. However, the possibility that hoardings may have led to the negligence in the first place (distraction, moving signs) is not questioned. This is in spite of many previous studies that found such links, notably ones, which found an increase in accidents at/near 'visually cluttered' junctions. The study also draws on accident related data collected by the police. But it gives little cognizance to the fact that police questionnaire does not have a provision specific to the hoarding-accident linkage.

However, it is now more widely held that any policy for outdoor hoarding must not negate the safety of road users and in fact, it must be driven by the concern for road safety.

For instance, the 2004 report on the effects of roadside advertisements on road safety by the Finnish Road Administration concluded that advertisements were a partial cause of the fatal accidents studied. While in some cases, the advertisements distracted road users because they were wrongly placed and so affected visibility, in other cases, even while the advertisement was correctly placed it was considered a partial cause. The paper concludes that the advertisements along main roads distract the detection of traffic signs and possibly also other objects relevant to the driver's task.

Even more important is the 2008 study from the University of Hull in the UK as in this case the investigators have actually conducted experiments to check the impact of distraction on drivers. In this experiment, volunteers had to drive as per instructions and were distracted by objects such as advertising hoardings. The 54 volunteers were asked to take turns through four levels of distraction: "no load" involved no distraction, 'low load' had three distractions, 'high load' six and 'overload, nine. The results showed an increase in the reaction time of 100 milli-second between areas categorized as 'no load' and 'overload'. This is equivalent to around an extra meter and a half in stopping distance. This, researchers said, was equivalent of a busy city center, and concluded that "too much visual information in the form of advertising and signage has an effect on reaction times – the more distractions there are the slower the reaction time of the driver. It goes on to say, "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 global review has noted that there are a significant number of cities, which discourage the use of large hoarding within the city. Hoardings are preferred in highways or if these large billboards are allowed within the city limit, then these are restricted to business or already commercial districts and areas. In Delhi, the Urban Arts Commission, the agency mandated with overseeing issues connected to city aesthetics has also made it clear that it wants to ensure against visual clutter. The Commission's guideline for outdoor advertisements is based on this premise.

The Delhi city policy for outdoor advertisements has been based on the emerging global practices as well as the need to maintain the character of the city.

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.

Changing global practices

It is also clear that cities across the world are learning the need to balance city aesthetics with revenues that they earn through advertisements, often the hard way. It is reported that Beijing, in its readiness for the Olympics has decided to remove all hoarding within the city. Its officials say this is being done to "to sanitize the city's image cranes have dismantled many of the 90-odd billboards lining the city roads". An advertising ban has been extended across most of the city. *City officials want to prevent Beijing from becoming one very big Times Square.* Now billboards are to be allowed only along the fifth ring road encircling the city - many miles away from the city centre.

Similarly, Arnold Schwarzenegger, as governor of California is insisting on strict regulation of outdoor advertisements. The state's outdoor advertising act 2005 is, he says, intended to protect public investment in highways, to promote the safety and recreational value of public travel, and to preserve natural beauty.

In many cities of UK, local councils have removed hoardings, which they say leads to improving the visual environment and image. These cities say that the objective of the outdoor advertising policy is "to seek the enhancement of the physical character and visual appearance of the city." These cities argue that 'promotion signs' - hoarding which advertise products - can significantly add to the visual clutter in a locality and so are not encouraged. In other cities, the outdoor advertisement policy is designed to discourage the proliferation of signs along major transport routes, including roadways and railways. Given this objective, these cities say that major promotion signs are "generally inconsistent with their image" and are generally discouraged.

The city of Sydney in its policy for outdoor advertising says the objective is to "reduce the number of large and freestanding billboard signs in the city." Sydney and many other cities argue that commercial signs (hoardings) are only necessary when they are important to the amenity of the city. Therefore, under policy, advertising hoardings are 'discouraged' and only permitted based on the following criterion:

- a. If they support the commercial viability of a significant building tenant

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- b. If they advertise a civic/community event involving the city
- c. If they can be considered as public art
- d. If the cumulative impact of the signs does not give rise to visual clutter.

2. Outdoor Advertising Policy, 2017

The principles and objectives of the Outdoor Advertising Policy are as follows:

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, municipal corporations will impose enhanced penalties and check misuse through regular inspections.

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8. The policy will be applicable to the entire city. 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. Role of Municipal Corporations of Delhi (MCD)

In the areas controlled by Municipal Corporations of Delhi/NDMC outdoor advertisement devices visible to the public, are governed by provisions of section 143 to 146, 430 of the Delhi Municipal Act. As per the provisions of the DMC Act, prior permission of the Commissioner is needed to display any advertisement to public view.

“Prohibition of erection, exhibition, fixation, retention or display of advertisement in without written permission of the Commissioner — 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 Corporation without the prior written permission of the Corporation without the prior written permission of the Commissioner.”

Under Section 143 of DMC Act the Municipal Corporations of Delhi/NDMC have the powers to check on unauthorized and illegal outdoor advertising and the powers to remove or prohibit the display of any such advertising. “Whenever any advertisement is displayed in contravention of section 143 of the DMC Act, the same is actionable as per provisions of Section 146 and 461 of the DMC Act. The Municipal Corporations of Delhi/NDMC have the authority to either give direction to the owner of property to dismantle, remove, spoil, deface or screen any unauthorized and illegal advertisement or Municipal Corporations of Delhi/NDMC itself can take similar action.”

The DMC Act also provides that “no person except licensed or registered advertisers or agencies is allowed to undertake the display of advertisement on behalf of others. Persons or agencies who undertake the display of advertisement, enroll themselves as licensed or registered advertisers with the Municipal Corporations of Delhi/NDMC and furnish in this regard the required information, documents, surety and fee as may be determined by the Commissioner/Chairman.

The approval on placement or location of any advertisement visible from public place, their sizes etc are all provided by Municipal Corporations of Delhi/NDMC. Municipal Corporations of Delhi/NDMC can alter, re-position or remove any hoarding as per the powers vested in them. The Commissioners directions are final and binding on all outdoor-advertisers.

In OAP 2017, it is provided that to effectively enforce provisions of the policy, the municipal corporations/NDMC must ensure that they provide deterrence for compliance. (PENALTY)

4. Revenue Sharing and Commercial Advertisement Fee

4.1 Revenue Sharing

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The Outdoor Advertisement Policy 2017 will apply to all advertisements irrespective of the jurisdiction of land. However, the revenue sharing model will differ in different cases. All the Public View advertisements under the jurisdiction of respective corporations/Council, irrespective of jurisdiction of land, will be governed by the rules and regulations laid down for outdoor advertisements in Municipal Corporations of Delhi areas. The only difference in case the land belongs to other organization will be in terms of sharing of revenue.

In case land belongs to other organisations: Government Organizations/ PSUs/ Autonomous Bodies/Statutory Bodies/Registered Societies/Corporate Societies/ Private Limited Companies etc and the structure has been built/installed by them or the advertiser in their territory for display of advertisement and it faces the vehicular traffic plying on it or comes in public view in any manner whatsoever visible from a public street or public place (including any advertisement exhibited by means of cinematographs), the concerned organization or the advertiser with their permission will have to share revenue in the following proportion:

- ✓ 1. Northern Railways will through the advertisers provide 25 per cent of the revenue earned through advertisement with respective Municipal Corporation of Delhi within their jurisdiction.
- ✓ 2. DMRC will share 35 per cent of the revenue earned through Advertisement with respective Municipal Corporations of Delhi within their jurisdiction.
- ✓ 3. Other concerned organizations will share 50 per cent of the revenue earned through Advertisement with respective Municipal Corporation of Delhi within their jurisdiction.

For determining any case of remission or formulation/change of policy governing outdoor advertisement including award of contract, Commissioner Municipal Corporations of Delhi or his nominee will be a member of the committee/panel taking such decision, as it involve sharing of revenue between the two organisations.

It must be ensured that all the organization which are allowing/permitting advertisement displays (after taking written permission from the Commissioners of the respective Municipal Corporations space on their land/properties must do it through tendering system or other transparent procedure only.

The Minimum Reserve Price for Permission of Advertisement Display by the Organizations on their land/properties other than DMRC/Northern Railway shall be fixed with the consultation of respective Municipal Corporations.

It should also be ensured that the awarded contracts are not allowed to continue beyond the contractual period. Any contract which is in contravention to this policy should be allowed till the end date of the present contract.

4.2 Commercial advertisement fee for Category – 1, 2&3 devices

Every person, who erects, exhibits, fixes or retains upon or over any land, building, wall, hoarding, frame, post or structure or upon or any vehicle any advertisement or, who displays any advertisement to public view in any manner whatsoever, visible from a public street or public place (including any advertisement exhibited by means of cinematographs), shall pay for every advertisement which is so

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