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6/2/16



Abstract

Transport Department – Road Safety Act, 2007 - Kerala State Policy on Outdoor Advertising – Approved - Orders issued.

TRANSPORT (D) DEPARTMENT

G.O. (Ms) No. 06/2016/Tran.

Dated, Thiruvananthapuram, 02.02.2016.

- Read: - 1.G.O.(Ms.) No. 271/2015/DMD dated 29.06.2015.
2. G.O.(Ms.) No. 323/2015/DMD dated 15.07.2015.
3. W.P.(C) No. 22557/2015 filed by Sri. Dejo Kappen before the Hon. High Court of Kerala.
4. G.O. (Rt.) No.479/2015/Tran dated 15.10.2015.
5. Letter No.05/10/DIR/NATPAC/2015 dated 20.10.2015 of the Director, National Transport Planning and Research Centre.
6. Letter No.A2/121/KRSA/2013 dated 07.11.2015 of the Road Safety Commissioner, Kerala Road Safety Authority.

ORDER

As per the Government order read as first paper above directions were given under section 21(1) of the Disaster Management Act, 2005 to all concerned for the removal of hoardings, advertisement boards and displays endangering the road safety. The operation of the aforesaid order was subsequently freezed temporarily till the formation of detailed policy in this regard as per Government order read as second paper above. Accordingly, as per Government order read as fourth paper above, the Director, National Transport Planning and Research Centre was entrusted to coordinate and formulate draft policy namely, 'the Kerala State Policy on Outdoor Advertising' in consultation with Transport Department, Public Works Department, Local Self Government Department (Urban & Rural), Disaster Management Department and Road Safety Authority and to place the draft policy for the consideration of the Road Safety Authority for further recommendation to the Government. The Director, NATPAC as per her letter read as fifth paper above has submitted the draft 'Kerala State Policy on Outdoor Advertising'. Subsequently, the 27th Meeting of the Kerala Road Safety Authority held on 28.10.2015 decided to recommend the said policy to Government for publication.

Government have examined the matter in detail and are pleased ^{to} approve the Kerala State Policy on Outdoor Advertising prepared under the Kerala Road Safety Act, 2007 as appended to this order.

(By Order of the Governor)
M. SIVASANKAR
 Secretary to Government

The Additional Chief Secretary, Home & Vigilance
 The Principal Secretary, Local Self Department
 The Secretary, Industries Department
 The Secretary Public Works Department
 The Principal Secretary, (Official Language) Personal & Administrative Reforms
 Department
 The Road Safety Commissioner, Kerala Road Safety Authority.
 The Transport Commissioner, Thiruvananthapuram.
 The State Police Chief, Kerala
 All District Collectors
 All District Police Chiefs.
 The Director of Panchyath Thiruvananthapuram
 The Director of Urban Affairs , Thiruvananthapuram
 The Secretary, Corporation of Thiruvananthapuram, Kollam, Kochi, Kozhikode, Thrissur,
 Kannur
 The Chief Town Planner Thiruvananthapuram
 The Secretary, National High ways Thiruvananthapuram
 The Kerala State Disaster Management Authority, Thiruvananthapuram
 The Steel Industrials Kerala Limited
 The Principal Accountant General, Kerala Thiruvananthapuram
 The Accountant General (A&E) (Audit) Kerala Thiruvananthapuram
 The Advocate General, Ernakulam (with C.L)
 The Finance Department
 The Law Department
 The Revenue (Disaster Management) Department
 The Chief Executive Officer, The Kerala State Disaster Management Authority.
 The Director, National Transport Planning and Research Centre (NATPAC).
 The Public Works Department.
 The Local Self Government Department (Urban).
 The Local Self Government Department (Rural).
 The Information and Public Relations (Web & New Media) Department.
 (for uploading in the official website)
 Stock file, Office copy.

Forwarded/By Order,


 Section Officer.

Kerala State Policy on Outdoor Advertising

1. BACKGROUND

The problem of traffic accidents has become a serious social and health hazard resulting in tremendous loss of human, financial and other resources. India has highest road accident rate in the world. Over 1.5 lakhs people were killed in road accidents in India in 2014. Kerala has road accident rate twice that of India in which over 4,200 people get killed every year. Road Safety has been rightly emphasised by United Nations Road Safety Collaboration by declaring 2011-2020 as the Decade of Action for Road Safety.

Although the rate of absolute number of road accident cases have come down from 40,000 accidents in 2005 to around 35,000 now, the grievousness of injuries has increased. Out of the total 4,200 people killed every year in Kerala, about 30 percent are pedestrians and 40 percent are two wheeler riders.

Aggressive and dangerous driving behaviours of drivers coupled with poor road and vehicle conditions are responsible for most of the accidents. Due to peculiar geographical condition, nature of human settlement and land use pattern, most of the roads in the State remain narrow and congested. In addition to these problems distracted driving is a key factor which increases the accident rate as well as increases chances of fatality and grievous injury. Distracted driving is caused by use of electronic devices, interaction with co-passengers, advertisements in the form of hoarding/ digital banner/ placard along the road sides/ posts etc. These hoardings also pose a threat to vulnerable road users especially the pedestrians. Falling of trees/ other structures is also causing accidents which take a toll on innocent lives especially in rainy season.

Government of Kerala has been taking many initiatives to reduce accident risk exposure on major roads in Kerala. As part of this initiative, this policy document has been prepared setting guidelines for installation of advertisement boards with a standard set of norms and illegitimizing those which are against the set norms. The Government also wishes to spell out guidelines for removal of hazards from the immediate vicinity of roads to minimise accidents due to such incidents. These guidelines have been prepared aimed at:

- Reducing hazardous situations thereby minimising accidents due to distracted driving and avoidable mishaps due to falling of branches/ trees etc
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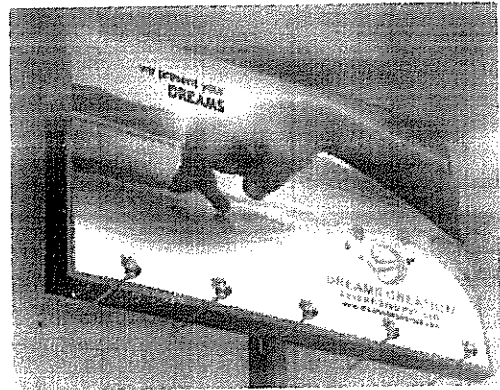
- Keeping the public space clean and tidy by regulating the use of space for advertisements/ promotion/ marketing
- Making the advertising firms responsible for their activities in the public space and take ownership of any untoward incident occurring due to erection of these outdoor advertisements
- Creating a wealth pool for compensating victim(s) affected by outdoor advertisements/ hazards

2. OUTDOOR ADVERTISEMENT – MEANING & EXTENT

2.1 Types of Advertisement boards

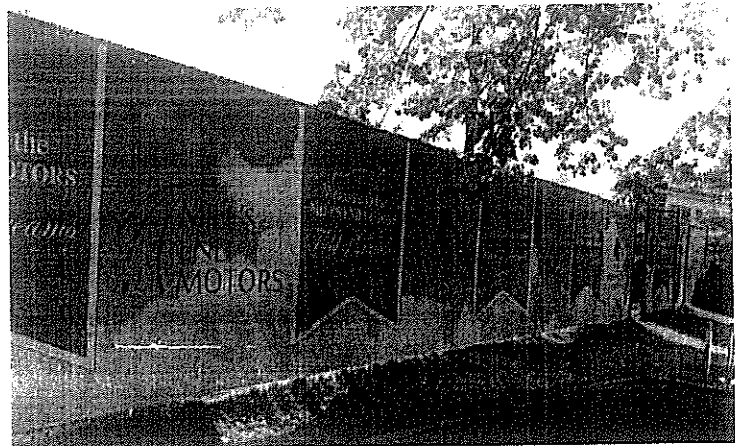
2.1.1 Hoardings

"Hoarding" means any screen of boards other than digital banner and placard, at any place, whether public or private used or intended to be used for exhibiting advertisement, including the frame work or other support, erected, wholly or in part upon or over any land, building, wall or structure, visible to public wholly or partly;



2.1.2 Digital Banner

"Digital banner" means any screen of boards, at any place, whether public or private used or intended to be used for exhibiting any advertisement or any information in connection with marriage, religious ceremony, birth or death

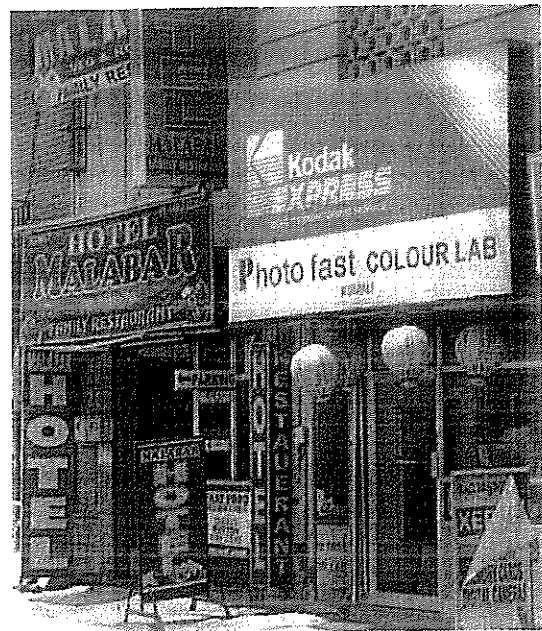


anniversary or meeting or conference of any political, commercial, social, cultural, religious or communal organization, designed and printed using electronic printing technology;

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2.1.3 Placard

"Placard" means any screen of boards, the size of which is not exceeding eight feet in height and four feet in breadth, at any place, whether public or private, used or intended to be used for exhibiting any advertisement or any information in connection with marriage, religious ceremony, birth or death anniversary or meeting or conference of any political, commercial, social, cultural, religious or communal organization, designed and printed using electronic printing technology."



2.2 Inclusions

The outdoor advertisements would include, but not limited to, the following items:

- Advertisements/ Product Promotion/ Marketing on stationary objects, either permanent or temporary
- Advertisements/ Product Promotion/ Marketing on vehicles and mobile platforms on vehicles

The Advertisements/Product Promotion/ Marketing would include, but not limited to, the following items:

- Hoarding/ Placard - Notices, posters, banners, fluxes, flags made of any material and painted/ pasted/ fixed/ fastened by other means on poles/posts (public utility or otherwise) or any structure
- Digital banner (other than those used by government departments/ agencies for imparting road safety awareness and related/ exempted activities)

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2.3 Exclusions

Hoarding/ Digital banner/ Placard of the following description should not be allowed:

- Which contain, include or are illuminated by any flashing, intermittent or any moving lights except those giving public service information such as time, temperature, weather or date
- Advertisements of such intensity or brilliance as to cause glare or impair vision of the driver or pedestrians, or which otherwise interfere with any operations of driving
- Advertisements illuminated in such a way as to obscure or diminish effectiveness of any official traffic sign, device or signal

2.4 Relaxations

In public interest, advertisements of the following classes are permissible without prior consent, if they are displayed within their premises/ boundary or building line and not within the Right of Way (ROW) of the adjacent roads :-

2.4.1 Class I – Functional advertisements

These are restricted to 0.2 square metres in area or less wherever not specified. They can be of the following types:

- (a) Official warning signs, traffic directions, sign postings and notices or advertisements posted or displayed by or under the directions of any public or court officer in the performance of his/ her official or directed duties
- (b) Direction signs to places of public amenity such as fuel filling stations, repair shops, garages, hospitals, police stations, fire stations etc complying with Indian Roads Congress (IRC) Code 67-2012 or its updates
- (c) Signs relating solely to any city, town, village or historic place, place of worship, or tourist interest complying with IRC Code 67-2012 or its updates
- (d) Signs, notices etc erected by the Defence department for the information of members of the armed forces or the public
- (e) Signs restricting trespass of property

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- (f) Signs or notices placed so as to show direction to a residence or place of business and planted sufficiently away from the carriageway.

2.4.2 Class II – Advertisements relating to the premises on which they are placed

These are restricted to 0.2 square metres in area or less wherever not specified. They can be of the following types:

- (a) Advertisements for the purpose of identification, direction or warning with respect to the land or building on which they are displayed, provided not exceeding 0.2 square metres in area, in the case of any such advertisement
- (b) Advertisements relating to any person, partnership or company separately carrying on a profession, business trade at the premises where such an advertisement is displayed; limited to one advertisement not exceeding 0.3 square metres in area in respect of each such person, partnership or company.
- (c) Advertisement relating to any institution of religious, educational, cultural, recreational, medical or similar character or any hotel, public house, post office, flat, club, boarding house or hostel situated on the land on which any such advertisement is displayed; limited to one advertisement not exceeding 1.0 square metres in area in respect of each such premises.

2.4.3 Class III – Advertisements of temporary nature

These can be of the following types:

- (a) Advertisements relating to letting of land on which they are displayed; limited in respect of each such sale or letting, to one advertisement not exceeding 2 square metres in area.
- (b) Advertisements announcing sale of goods or livestock, and displayed on the land where such goods or livestock are situated or where such sale is held, limited to one advertisement not exceeding 1.0 square metre in area.
- (c) Advertisements relating to the carrying out of construction or similar work on the land on which they are displayed not exceeding 2 square metres in area.
- (d) Advertisements announcing any local event of a religious, educational, cultural, political, social or recreational character, not being an activity promoted or carried

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on for commercial purposes; limited to a display of advertisements occupying an area not exceeding 0.6 square metres on any premises.

3. EXISTING SCENARIO OF OUTDOOR ADVERTISEMENT

In the existing scenario, the Outdoor Advertisements have become a huge business by themselves and are being utilised for commercial, religious, political, cultural as well as social purposes. This industry is thriving by the day and at present there are no strict regulations which bar their usage in public places especially near roadsides. The advertising firm takes permission from the Local Self Governing Departments (LSGD) and puts up their advertisement. In such a scenario, these advertisement boards tend to occupy almost the entire skyline in any given town/ city in Kerala and also along roadways. They destroy the whole aesthetics of the place starting from small posts/ poles to arches, gantry fitted to large advertisement boards. These advertisements also pose great danger to the safety of road users. In such a situation who would own up to any untoward incident caused by these wide spread outdoor advertisements – the road owning department, LSGD, the advertising firm or the individual/ company whose advertisement is being displayed? There are no clear answers at present.

4. POLICY GUIDELINES FOR OUTDOOR ADVERTISEMENTS

4.1 Locations where Advertisements are not allowed

- 4.1.1 No outdoor advertisements, either permanent or temporary, are allowed on footpaths, shoulders, carriageways, medians, green zone, landscaped area, trees etc which form part of the ROW.
- 4.1.2 No outdoor advertisement should be allowed within 50m from the edge of the road/ footpath, whichever is nearer.

4.2 Conditions when Advertisements are not allowed

- 4.2.1 No outdoor advertisement should be allowed which uses temporary fasteners like rope, twine, thread etc. It should have permanent fasteners like clamps.
- 4.2.2 No outdoor advertisement should be allowed to display/ project light on to the public space starting from the footpath/ road edge nor should it carry any audible sound.
- 4.2.3 No outdoor advertisement should be allowed on utility posts/ poles, bus stops, bus shelters or other structures owned by a utility department/ agency like KSEB, BSNL, KSRTC etc.

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- 4.2.4 No outdoor advertisements should be merged with traffic signs, signals, utility structures, street furniture etc even if they are paid for by a private firm/ entity.
- 4.2.5 No outdoor advertisement should be allowed with movable parts/ items.
- 4.2.6 No outdoor advertisement should be allowed on temporary structures but should be allowed only on permanent structures with proper foundations and fixtures so as to overcome cyclonic winds blowing at speeds of about 120 km per hour. All such structures should be certified by a structural engineer.

4.3 Locations where Advertisements are permitted

- 4.3.1 All shops/ establishments are allowed display boards with dimensions not exceeding the frontage height/ width of the building they are displayed on. In any case, the shorter dimension should be restricted to 1m. These boards could be used to display their shop name, logo, shop number, floor number & contact number(s). Any other information is liable for penalties. These boards should be fastened by clamps, nails etc so as to give them stability and remain as permanent fixtures. These boards can have lights but should comply with the definition of "digital banners". The shops can have extendable roofs but they should be cantilever type and must provide a clear height of 2.5m below. These cantilevers when extended should not come within 1.0m from the edge of the road. No other temporary/ permanent items are allowed on this cantilever other than a cover on top of the cantilever for protection against climatic elements. No shop/ establishment would be allowed to display/ project any light on to the public space starting from the footpath/ road edge, whichever is nearer.
 - 4.3.2 In the case of commercial complexes/ shopping malls etc, the shops/ establishments are allowed a joint display board to display their shop name, logo, shop number, floor number & contact number(s) with a restriction of area to 0.2 square metres or less per shop/ establishment in that premises. Any other information is liable for penalties.
 - 4.3.3 Advertisements on mobile platforms should be allowed on public roads only at non peak hours (11:30 am to 3:30 pm & 8:30 pm to 7:30 am) on working days. No raised/ extended platforms are permissible. These advertisements should not extend outside the body of the vehicle carrying it. It should not be illuminated but lighting is allowed only to make it visible at night. No audible sound, either from pre recorded audio tracks or live music/ speech, should be allowed on such advertisements. While stationary, these vehicles must be parked on straight stretches at least 10m away from the road edge and the advertisements should be kept parallel to the road edge.
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- 4.3.4 Advertisements may be allowed on public amenities like public toilets, garbage collection points etc.
- 4.3.5 Advertisements on buses or other vehicles should not have any reflective/ glossy texture which would cause glare or impairment of vision of the driver or pedestrians, or which otherwise interfere with any operations of driving.
- 4.3.6 Advertisements on Bridge/ Flyover panels may be allowed but should have permanent fixtures such that they could withstand cyclonic winds of 120 km per hour. At such locations it should be ensured that these advertisements do not go beyond the panel itself and in no case it should project beyond 10 cm from the face of the panel. These advertisements should not come within 6m from the road level below when they are placed away from the abutments.
- 4.3.7 Outdoor advertisement may be allowed beyond 50m from the edge of the road/ footpath, provided 'No objection certificate' is obtained from Authorizing Agencies (Ref 4.7).
- 4.3.8 The location of Outdoor Advertisements would be on a straight stretch and would be at least 100m away from an intersection, 50m away from a curve, 50m away from any side access road and 50m away from any traffic sign or signal.

4.4 Dimensions of outdoor advertisement

The total area of the outdoor advertisement could have a maximum area (in square metres) of 0.3 times perpendicular setback distance (in metres) from edge of the road/ footpath, whichever is nearer.

4.5 Duration of advertisement and extension

- 4.5.1 Outdoor advertisement should be allowed only for a maximum of three months after which they have to be removed for a period of five working days.
- 4.5.2 An extension of the same outdoor advertisement requires an NOC from all the Authorizing Agencies, mentioned in 4.7, and the permission should be obtained before the end of the 15th working day from the end date of prior permission. In any case, the extension would not be allowed for a time period of more than two months at a time and not more than two extensions per advertisement.
- 4.5.3 The same outdoor advertisement or a modification of it, irrespective of size or other differences, should be separated by a minimum aerial distance of 2 km.

4.6 Advertising agency

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- 4.6.1 An Advertising Agency wishing to obtain sanction for installing outdoor advertisements have to pay a one-time refundable amount of Rs 5,00,000/- (Rupees Five lakhs only) towards creation of a Wealth Pool (refer 4.12.1). This Wealth Pool would be maintained by the District Road Safety Council (DRSC) and used for compensating victim(s) in the case of any untoward incident occurring due to such installations. If any incident was to occur and compensations are paid from this Wealth Pool, the Advertising Agency & Client Agency would be responsible for bringing the wealth pool back to its original amount.
- 4.6.2 If the Advertising Agency wishes to quit from the field of Outdoor Advertising, then a request to this effect has to be submitted to the Authorizing Agencies, mentioned in 4.7. in writing. A joint team of DRSC and Road owning department/ agency would visit the locations where the advertising agency had previously displayed outdoor advertisements. A photograph, with date displayed, of the officials at each location of outdoor advertisement would be kept as proof of site visit. If no violations/ liabilities are found after inspection of the locations as well as inquiry from other department/ agencies (mentioned in 4.7), a 'No Dues' Certificate would be issued jointly by the DRSC and the Road Owning department/ agency after which the refundable amount, mentioned in 4.6.1, would be released. If violations/ liabilities are found to be pending at the time of request for quitting, only an amount of Rs 50,000/- (Rupees Fifty thousand only) would be released.
- 4.6.3 No outdoor advertisement should be allowed to an Advertising Agency/ Client Agency which has committed any violation before. If the penalty for violation has been paid, then a second and final chance would be given to the Advertising Agency/ Client Agency. If a second violation is committed, that Advertising Agency/ Client Agency would be blacklisted, would not be sanctioned anymore outdoor advertisements and the refundable amount, mentioned in 4.6.1, would not be released.

4.7 Authorizing Agencies

- 4.7.1 In case of the Outdoor Advertisements not within 75m from any road/ footpath edge and for a period of six days or less and with an area of not more than 20' x 12', **Authorizing Agencies** will be the District Road Safety Council (DRSC), the Road Owning department/ agency and the Road maintaining department/ agency who will give prior permission in the form of 'No-Objection Certificate' (NOC)

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4.7.2 If any of the above conditions, are not satisfied or if the distance of the advertisement is within 50-75 m from the road/ footpath edge, then the **Authorizing Agencies** will be the District Road Safety Council (DRSC), the Police Department in that jurisdiction, Motor Vehicles Department, Road Owning department/ agency (like National Highways Authority of India/ Public Works Department/ Municipal Corporation/ Municipality/ Panchayat etc) and Road Maintaining department/ agency who will give prior permission in the form of 'No-Objection Certificate' (NOC).

4.8 Procedures for seeking permission to install advertisement

A formal application should be submitted to each of the Authorizing Agencies mentioned in 4.7 as per the format given in **Annexure I** along with the following documents/ fees.

- a) A soft copy of the advertisement (image/ word/ pdf format) along with its actual area, location, material, name and logo of advertising agency, client agency, distributing agency and press/ shop where the advertisement was printed or created and disposing plan should be submitted with the application.
- b) Payment should be made to the Road Owning department/ agency towards the fees for installing advertisements as mentioned in **Table 1** below:

Table 1: Fee to be remitted (Rs per square metres of advertising area)

Purpose	Perpendicular distance from edge of road/ footpath			
	>75m	>=60 to <=75m	>=50to <60m	< 50m*
Public Cause	1,000	1,500	2,500	3,500
Cultural & Social	1,500	2,000	4,000	6,000
Religious	2,500	3,500	6,500	9,500
Political	3,000	5,000	9,000	13,000
Commercial & Others	4,000	7,000	11,000	15,000

*Referring to 4.1.2, these values are applicable only as fine amount.

- c) The Advertising Agency & Client Agency should jointly sign an undertaking to the effect that any untoward incident occurring due to/ caused by the proposed outdoor advertisement would be their responsibility and any additional

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expenditures (over and above that could be met from the wealth pool) related to property/ environment/ lives affected would be taken care of by them.

- d) Any lights/ electrical installations provided should be certified by an Electrical Engineer practicing in the same field.
- e) All structures should be certified by a Structural Engineer practicing in the same field. The certification should comply with relevant Indian structural design standards and relevant codes of practice.

4.9 Removal of advertisement board

4.9.1 When the permitted period of the advertisement is over, it should be removed and a photograph, with date displayed, of the location (with advertisement removed) should be provided to the Road Owning authority within five working days from the end of permitted time period of advertisement.

4.9.2 The Advertising Agency & Client Agency would be solely responsible for the disposal of the advertising material which should be the last resort and should be done scientifically without causing any damage to the environment/ nature/ person, livestock or property. Prior to disposal recycling and/or reuse of the material should be tried.

4.10 Procedures to be followed by the Authorising Agencies

4.10.1 The Authorising Agencies (as mentioned in 4.7) before giving permission through NOCs should ensure the following:

- a) Field visit should be undertaken to understand the exact manner in which the outdoor advertisement would be placed, how it would be fastened etc. (A photograph, with date displayed, as evidence should be maintained in the file which covers the location of the proposed outdoor advertisement, officials from the department, advertising firm and the client whose advertisement would be put up)
- b) The advertisements are maintained in a clean, tidy and safe condition
- c) The advertisements are not put up in such a position as to obscure or hinder the ready interpretation of any road traffic sign, railway signal or any other public notices
- d) The advertisements do not offend public morals and decency as given in Appendix II.

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4.10.2 The Road Owning department/ agency can select spaces where advertisements can be permitted to be displayed within the 50-75m setback zone from the edge of the road following the criteria given below:

- a) No lights/ illuminations would be allowed in this advertising space other than to make it visible at night.
- b) The space would be in such a way that the face of the advertisement would be parallel to the edge of the road.
- c) The space should be above 0.5m from the road level and below 4m from the road level, which the advertisement faces.
- d) All the rules mentioned in other sections apply to these spaces too.

4.10.3 Outdoor advertisement after the expiry of advertising period should be removed for a period of five working days. This has to be cross checked by officials of the Authorising Agencies by visiting the site where the advertisement was previously displayed and ascertained that it has been removed.

4.10.4 If an Advertising Agency wishes to quit from the field of Outdoor Advertising as per 4.6.2, a joint team of DRSC and Road owning department/ agency would visit the locations where the Advertising Agency had previously displayed outdoor advertisements. A photograph, with date displayed, of the officials at each location of outdoor advertisement would be kept as proof of site visit. If no violations/ liabilities are found after inspection of the locations as well as inquiry from other department/ agencies (mentioned in 4.7), a No Dues Certificate would be issued jointly by the DRSC and the Road Owning department/ agency after which the refundable amount, mentioned in 4.6.1, would be released. If violations/ liabilities are found to be pending at the time of request for quitting, only an amount of Rs 50,000/- (Rupees Fifty thousand only) would be released.

4.11 Violations

4.11.1 In the event of a violation, an amount equal to three times the amount given in Table 1 should be remitted.

4.11.2 If any of the guidelines indicated in this policy document are flouted then violations should be booked and notified by the road owning department/ agency against the agency and/or individual representing the advertising firm, client firm/ shop/ establishment, distributing firm and the press where these outdoor advertisements were printed. Fines amounting to three times the amount given in Table 1 should be levied

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from all the firms responsible, but not limited to, like the advertising firm, client firm/ shop/ establishment, distributing firm and printing press.

- 4.11.3 The expenses for the initial cleaning up of the walls, bus stops, bus shelters, poles, posts and other structures in the public space off unauthorised outdoor advertisements could be met from the wealth pool and later on levied as fines.

4.12 Compensations

- 4.12.1 A Wealth Pool will be created for the purpose of compensating the victims due to any unforeseen incident occurring due to installation of advertisements. The one-time payment received from the Advertising Agencies will be the prime source of the Wealth Pool and would be maintained by the DRSC.

- 4.12.2 The compensation amount to be paid to the victims would be decided by Kerala Road Safety Authority (KRSA) using the method used by Motor Accident Claims Tribunal (MACT) to compensate motor vehicle accident victims or their family members. KRSA would direct the concerned DRSC to pay the compensation amount decided upon. If any incident was to occur and compensations are paid from this Wealth Pool, the Advertising Agency & Client Agency would be responsible for bringing the wealth pool back to its original amount.

4.13 Others

- 4.13.1 These policy guidelines would have a retrospective effect. The Advertising Agency/ Client Agency would be given not more than four weeks to comply with the guidelines specified herewith.
- 4.13.2 These guidelines may be relaxed in case of outdoor advertisements near pedestrian only streets as they would be devoid of any vehicular movement. The extent of Relaxation would be decided by DRSC.
- 4.13.3 The monetary values mentioned in this policy document needs to be updated every 5th year from the year of introduction of this policy.

5. POLICY GUIDELINES FOR REMOVAL OF HAZARDS

- 5.1 Items considered as a hazard are:

- a) All posts/ poles or objects within the Right of Way (ROW) that are fixed with temporary or permanent fasteners, other than those installed by/ for Road owning

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department/ agency, utility departments/ agency (like KSEB, BSNL etc), Police department or Motor Vehicles Department.

- b) All objects (like posts/ poles etc) with a height to width ratio of 3 or more and with a height of 3m or more within privately owned land/ premises
- c) All trees having a trunk diameter of 10 cm and more or with an age above 10 years
- d) Any object huge enough to cover an influence area of 2 square metres or more on the road/ footpath, if it were to fall/ get uprooted
- e) Any object (trees, vegetation, walls etc) which hinders the permissible sight distance of any category of road user using the adjacent road(s)

5.2 As trees are of great eminence in reduction of air pollution, environmental conservations, protection against weather etc, careful thought has to be given before resorting to their trimming or felling. In case, felling of trees is found essential, expert (Scientists from Kerala Forest Research Institute, Jawaharlal Nehru Tropical Botanical Garden Research Institute etc) opinions should be taken and documented. Felling of trees should be undertaken only as a last resort and all possible measures to conserve them should be tried.

5.3 The Road Owning department/ agency must keep a track of trees, branches and any such article – temporary or permanent - which can cause a hazard to traffic/ pedestrians using their road, within the Right of Way (ROW) and within 10m (even beyond if deemed necessary) setback zone on each side from the edge of the road/ footpath whichever is nearer

5.4 The Road Owning department/ agency should carryout joint visits on the entire length of road within their jurisdiction, along with officials from Traffic Police and utility department/ agency (like KSEB, BSNL etc) which have overhead structures along the roads. These visits must be conducted in the month just before the month when monsoon/ rainy season is likely to start. A review visit should be carried out after six months of the first visit. In these site visits, the trees or branches which are likely to cause hazards to traffic/ pedestrians using the road must be trimmed adequately to avoid such hazards. If such hazards are posed by trees/ branches etc on private land then those hazards which are accessible without trespass should be trimmed adequately to avoid such hazards. If such activity would require entry into the private land then the owner should be notified in writing as well as contacted by phone to convey the grievousness of the issue. After receiving the notification/ phone call the owner has to adequately trim/ remove the

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hazard within seven days and the activity must be informed to the road owning department/agency as well as the KSEB. A site visit should be undertaken to ascertain the same. A register of such activities must be maintained at the office of the road owning department/ agency as well as the KSEB for future reference. If found to violate the deadline of seven days, the road owning department/ agency with the help of KSEB officials can adequately trim the hazard and impose a fine on the owner. The fine amount would be as given in Table 2 below:

Table 2: Fine to be remitted for violation of non removal of hazard (Rs)

Height of the object above road level	Perpendicular distance from edge of road/ footpath (m)			
	$\leq 5m$	5 to $\leq 10m$	10 to $\leq 25m$	$> 25m$
$\leq 5m$	2,000	1,000	Nil	Nil
5 to $\leq 10m$	5,000	3,000	1,500	Nil
10 to $\leq 25m$	10,000	8,000	6,000	4,000
$> 25m$	15,000	12,500	10,000	7,500

- 5.5** These policy details should be shared with the consumers through print, electronic media etc. All KSEB offices should display these guidelines in Malayalam and English in an unambiguous and easily readable manner. It should also be printed on the backside of bills to spread awareness. Compliance should be ensured within two months of introduction of this policy.
- 5.6** Citizens should be made an integral part of the hazard removal drive by incentivising efforts to alert the KSEB officials, of any such hazardous objects/ situations, by volition.
- 5.7** The resources available with the DRSC in the form of the wealth pool could be used for any work related to hazard removal also.
- 5.8** The monetary values mentioned in this policy document needs to be updated every 5th year from the year of introduction of this policy.

Appendix I: Format of Application to seek permission to install advertisements

Application Number:

Tick the one applicable: 1st Time installation/ 1st Extension/ 2nd Extension

1. Name, Logo & Address of Firm whose Advertisement is to be displayed:
 2. Name, Contact Number and Signature of authorising official of Firm in (1):
 3. Name, Logo & Address of Advertising Firm, if any:
 4. Name, Contact Number and Signature of authorising official of Firm in (3):
 5. Name, Logo & Address of Advertisement Distributing Firm, if any:
 6. Name, Contact Number and Signature of authorising official of Firm in (5):
 7. Name, Logo & Address of Press/Firm where Advertisement was printed/ created, if any:
 8. Name, Contact Number and Signature of authorising official of Firm in (7):
 9. Locality & Road/ Street name with chainage, if available at site:
 10. (a) Landmark: (b) Distance to landmark (in metres):
-

11. Perpendicular distance of advertisement from footpath/ road edge (in metres):
12. Area of advertisement (in square metres):
13. Material used for making the advertisement:
14. Material disposal plan (re-use, re-cycle, describe if others):
15. Structure on which advertisement would be erected:
16. Name, Address, Contact Number & Signature of Structural Engineer who certified the structure mentioned in (15):
17. Advertisement content and design submitted as: image ☐ word ☐ pdf ☐
18. One time refundable amount of Rs 5,00,000/- submitted towards wealth pool (mode & date of payment, designation and name of person and department submitted to):
19. By submitting this application,
- (a) We (Firm mentioned in (1), (3), (5) and (7)) make an undertaking that we have read and understood all the clauses of 'Kerala State Policy on Outdoor Advertising' and that all the conditions have been adhered to and any violations/ omissions are liable for penalisation.
- (b) We (Firm mentioned in (1) and (3)) hereby make an undertaking to the effect that any untoward incident occurring due to/ caused by the proposed outdoor advertisement would be our responsibility and any additional expenditures (over and above that could be met from the wealth pool) related to property/ environment/ lives affected would be taken care of by us.
20. Department/ Agency submitted to with date:

Office Use

Site Investigation Officer(s) with signature and date:

Application Status: accepted/ rejected

In case of rejection, specify reason quoting policy clause:

Appendix II: Contents of advertisements which are prohibited

1. Nudity
2. Racial advertisements or advertisements propagating caste, community or ethnic differences
3. Advertisements propagating exploitation of man, woman or child
4. Advertisements having sexual overtone
5. Advertisements depicting cruelty on animals
6. Advertisements depicting any nation or institution in poor light
7. Advertisements casting aspersion of any brand or person
8. Advertisements banned by Advertisement Council of India or by law
9. Advertisement glorifying violence
10. Destructive Devices and Explosives depicting items
11. Lottery tickets, sweepstakes entries and slot machines related advertisements
12. Any psychedelic, laser or moving displays
13. Advertisements of weapons and related items (such as firearms, firearm parts and magazines, ammunition etc)
14. Advertisements which may be defamatory, trade libellous, unlawfully threatening or unlawfully harassing
15. Advertisements which may be obscene or contain pornography or contain an "indecent representation of women" within the meaning of indecent Representation of Women (Prohibition) Act, 1980
16. 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 drugs and Cosmetics Act, 1940, The Drugs And Magic Remedies (Objectionable Advertisement) Act, 1954, the Indian Penal Code, 1860; or
17. Any other items considered inappropriate by the municipal bodies.