

कार्यालय आदेश

विषय:-

Regarding removal of defacement like stickers, bills, posters, wall painting and other defacements from public properties under the provisions of the Haryana Prevention of Defacement of Property Act, 1989.

उपरोक्त विषय पर निदेशालय के पत्र क्रमांक DULB/CTP/2024/5050-51 Dated 20-11-2024 की अनुपालना में आप सभी को आदेश दिए जाते हैं कि नगरपालिका कलानौर क्षेत्र में Public Property पर गैर-कानूनी तरीके से लगे होर्डिंग, बैनर इत्यादि को हटाने बारे व उक्त बारे दैनिक रूप से चालान करने के लिए निम्नलिखित टीम की ड्यूटी तुरन्त प्रभाव से लगाई जाती है:-

Name of Employee	Designation
Sh. Vikas	Peon
Sh. Veerbhan	Safai Daroga (Palika Role)
Sh. Ajay	Group D
Sh. Narender	Group D
Sh. Vinod	Group D
Sh. Rahul	Group D
Sh. Ashish	Group D

इस कार्य के लिए Sh. Mukesh Kumar Dalal, Building Inspector को Nodal Officer नियुक्त किया जाता है। उपरोक्त अधिकारी/कर्मचारी उपरोक्त बारे दैनिक रिपोर्ट अद्योहस्ताक्षरी के सम्मुख प्रस्तुत करना सुनिश्चित करें। किसी भी प्रकार की देरी व लापरवाही के लिए आप स्वयं जिम्मेदार होंगे।

सलंगन:- उक्त पत्र की प्रति।



सचिव,

नगरपालिका कलानौर।

पृ० क्रमांक:-एम0सी0के0/2024/ 5377-81

दिनांक:- 27/11/24

इसकी की एक-2 प्रति निम्नलिखित को सूचनार्थ प्रेषित है:-

1. जिला नगर आयुक्त महोदय, रोहतक।
2. प्रशासक नगरपालिका कलानौर-कम-उपमण्डल अधिकारी (ना0), रोहतक।
3. उपरोक्त सभी अधिकारीगण/कर्मचारीगण।
4. Website
5. Notice Board



सचिव

नगरपालिका कलानौर।



Urgent and Time bound

Most Important

To

1. All the Commissioners in Municipal Corporations in the State of Haryana,
2. All the District Municipal Commissioners in the State of Haryana

Memo no. DULB/CTP/2024/ 5050-51

dated: 20/11/2024

Subject: Regarding removal of defacement like stickers, bills, posters, wall paintings and other defacements from public properties under the provisions of the Haryana Prevention of Defacement of Property Act, 1989.

It is hereby informed that the subject cited matter has been discussed in Haryana Vidhan Sabha under Calling Attention Notice no. 10 on 19.11.2024, whereby the Hon'ble ULBM has given the assurance that all kind of defacements will be removed from public properties in next 15 days, by way of special drives by municipalities.

2. With regard to the above, it is hereby informed that as per provisions of the Haryana Prevention of Defacement of Property Act, 1989, that:

a. **Section 3:** All advertisements and writings shall be made only at places earmarked by the municipality.

b. **Section 3A:** (1) Whoever defaces any property in public view, by writing or marking with ink, chalk, paint or affixation/ pasting of stickers, bills, posters, flexes or any other material, except for the purpose of indicating the name and address of the owner or occupier of such property, shall be punishable with imprisonment for a term which may be extend to six months or with fine which may extend to ten thousand rupees or with both;

Provided further that the owners or managers of the organizations making defacement of the properties for their business activities, shall be responsible for removing such defacement and the burden of proving their innocence for such defacement, shall rest on them.

(2) Where any offence committed under sub-section (1) is for the benefit of some other person or a company or other body corporate or an association of persons, whether incorporated or not, or a political party or its candidates, then such other person and every president, chairman, director, partner, manager, secretary, agent or any other officer or person concerned with the management thereof, as the case may be, shall, unless he proves that the

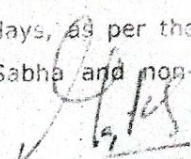
- b. All these defacements on public properties shall be removed immediately.
- c. Notices and FIRs shall be lodged against the company or other body corporate or an association of persons, whether incorporated or not, or a political party or its candidates, then such other person and every president, chairman, director, partner, manger, secretary, agent or any other officer or person concerned with the management, in benefit of which the defacement has been made i.e. content of which/ whom is publicized.
- d. Special attention shall be given in areas around school, colleges, and Government buildings, pillars of flyovers / bridges, street lights poles in road median or electricity poles, for removal of defacement.
- e. After removing the defacement from the public properties, the public property shall also be restored to its original by way of removing the residual part of pasted material, repaint or re-plaster, as required.
- f. The cost of removal of defacement and restoration of public property shall be recovered from the company or other body corporate or an association of persons, whether incorporated or not, or a political party or its candidates, then such other person and every president, chairman, director, partner, manger, secretary, agent or any other officer or person concerned with the management, in benefit of which the defacement has been made i.e. content of which/ whom is publicized.
- g. Any penal or cost amount as per the above shall be recovered as arrears of land revenue or may be included in property tax or against the property, which has to be paid for obtaining NDC or NOC.

Removal of defacement from private properties:

- a. Any kind of advertisement, bills, posters, wall paint, flexes, boards or any other displayed on a private property without the permission or as per the norms stated in the Haryana Municipal Advertisement Byelaws, 2022 shall be considered as defacement in public view and liable for action under the Haryana Prevention of Defacement of Properties Act, 2022 and the Byelaws, 2022.
- b. All such properties shall be inspected and found that specific permission of the owner or occupier of the property has not been obtained, action for removal of defacement shall be taken forthwith at the expense of the person or person found guilty. Before doing so, a notice of two weeks shall be given to owner or occupier of the property to erase or remove the defacement.
- c. Notices and FIRs shall be lodged against the company or other body corporate or an association of persons, whether incorporated or not, or a political party or its candidates, then such other person and every president,

chairman, director, partner, manger, secretary, agent or any other officer or person concerned with the management, in benefit of which the defacement has been made i.e. content of which/ whom is publicized.

- d. In case of large advertisements like unipoles, large bills boards with independent structure or structure above the buildings/ properties, the notice shall be given under the Haryana Municipal Advertisement Byelaws, 2022 and penal amount shall be levied as per the Byelaws, 2022.
- e. In case of small display boards, bills, backlight boards, posters in front of shops, hotels, or any other private buildings, the notice and FIR shall be given under the Haryana Prevention of Defacement of Properties Act, 2022 and penalty shall be recovered as per the Act of 1989.
4. In view of the above, it is hereby requested to take immediate action against defacement by way of conducting special drives in next 15 days, as per the assurance given by the Hon'ble ULBM in Haryana Vidhan Sabha and non-compliance will be taken seriously.


(Manjeet Singh)

District Town Planner
for Director, Urban Local Bodies Department
Haryana, Panchkula

C.C.

1. To the PS to the Hon'ble ULBM for kind information of the Hon'ble ULBM
2. To the PS to the C&S, ULB for kind information of the C&S, ULB

offence was emitted without his knowledge or consent, be deemed to be guilty of such offence.

c. **Section 4:** (1) Any offences punishable under this Act shall be cognizable and cognizable and compoundable.

(2) All offences under this Act shall be compoundable by the authorities mentioned in section 3 on payment of such composition fee which shall not be less than two hundred and fifty rupees or the amount equal to expenses incurred for the removing or erasing the defacement.

d. **Section 5:** The Government shall have the power to conduct or cause to conduct, through the District Magistrate concerned. Spot inspections with regard to defacement of property. If on such inspections it is found that specific permission of the owner or occupier of the property has not been obtained, action for removal of property. If on such inspections it is found that specific permission of the owner or occupier of the property has not been obtained, action for removal of defacement shall be taken forthwith at the expense of the person or person found guilty.

e. **Section 5(2):** Any amount due under this Act, on an application made in this behalf by the authorities mentioned in section 3, to the Collector, shall be recovered as arrears of land revenue.

3. In reference to the above, It is requested to direct the concern officers in municipalities to take following actions in the matter:

Important Note:

- a. All the printing presses within municipal limits, which are in business of printing bills, stickers, posters, flexes shall be directed to compulsory mention their name and mobile number on the print of bills/ stickers/ posters/ flexes.
- b. Public announcements by way of "Munadis" shall be conveyed to general public, companies, printing presses, shops and others to remove defacement of any kind from public properties and their own properties within 2 days of the announcement, failing which legal and penal will be taken against the violators, upto registration of FIR and heavy penalties, under the applicable laws.

Removal of defacement from public properties:

- a. Any kind of defacement by way of wall paintings, chalk or ink, pasting/ affixation of bills, stickers, posters, flexes on any public properties and laying along road-sides, shall be considered as defacement under the above Act. (The definition given for Defacement in the Act of 1989 may also be referred).