STANDING ORDER NO. L&O/06/2022

PROCEDURE FOR INSTALLATION OF IRON GATES FOR SECURITY PURPOSES IN RESIDENTIAL COLONIES

On the petition filed by some Residents Welfare Associations (R.W.As) in the High Court of Delhi regarding installation of iron gates on the road in their residential colonies. The Court vide its order dated 08.09.2005, directed Commissioner of Municipal Corporation of Delhi to formulate guideline pertaining to installation of iron gate in residential colonies of Delhi by inviting suggestions from RWAs and Commissioner of Delhi. Commissioner of MCD vide No.D/664/SE (P) J dated 25.06.2007 issue Circular regarding Policy/Guidelines for installation of gates for security purpose in colonies (Appendix-A). Dy. Commissioner of MCD Zone concerned is authorized to give permission for erection of gates, subject to RWA adhere to certain direction as mentioned in the circular.

Circular issued by MCD, defines role and responsibilities of Police Officer in erection of Iron Gate in Registered Residential Colonies and course of action if found violation of norms by concerned RWAs. As per the circular, RWA will have to obtain no objection certificate (NOC) from Traffic Police Department of Delhi Police before applying to Dy. Commissioner of concerned MCD Zone and in the event of any dispute regarding installation opening/closing /manning of the gates, RWA shall consult the ACP Sub-Division and his decision shall be final.

To streamline the process of issuance of NOC to RWA by Traffic Department of Delhi Police and dispute resolution by concerned ACP/Sub-Division, it is directed that-

1. In case of installation of new fencing/iron gates, the RWA preparing to erect Iron Gate on road will have to get NOC from traffic police. In all such cases, NOC will be given by the concerned DCP/Traffic range.
2. Such application shall be incorporated with proper layout plan of the colony, proposed existence of gate, regulation time of

entrance/exit, wicket gate, a certificate by applicant RWA regarding general consensus amongst the resident regarding erection of iron gate etc.

3. After receipt of such application DCP/Traffic will get comments of respective ACP Sub-Division and ACP Traffic. ACP Sub-Division will submit his comments to the DCP Traffic after getting prior approval of District DCP. DCP/Traffic will use due application of his mind before deciding such application.

4. The decision to issue a NOC from Traffic Department of Delhi Police as mentioned in the circular of MCD will rest with the DCP Traffic only and he will issue NOC after careful consideration and ensuring that there is consensus amongst the residents and no objection to the gate(s) being installed. It must also be ensured that all points as mentioned in the guidelines of MCD (Appendix-A) are fully complied with and need of Iron Gate is justified.

5. In respect of the existing fencing/gates in the colonies of which prior approval has not been taken before installation of gate, the RWA should be directed to seek permission from the MCD after the concurrence of the same has been obtained from the concerned DCP/Traffic and while issuing NOC, DCP/Traffic will follow same process as it would be a new application.

6. In the event of any dispute regarding installation, opening/closing/manning of the gates, RWA shall consult the local police of the area and the decision of the ACP Sub-Division shall be final. The ACP Sub-Division will take decision on the complaint after seeking concurrence of the DCP/Addl. DCP of the concerned district.

The Local police should ensure that all gates are erected in accordance with the guidelines laid down after proper permission obtained from Dy. Commissioner of concerned MCD. In case any gate is erected without the requisite permission/NOC or after erection, the guidelines required to be fulfilled as per circular of MCD are not being complied with, the local police/traffic police must write to the MCD at DC/MCD level to have the same demolished/removed. The RWAs be advised that penal action could be taken for failure to comply with the circular of MCD.

SUPERSESSION CLAUSE

This Standing Order Supersedes the previous Standing Order No. 382/2009 issued vide No.16401-550/Record Branch/PHQ, dated and Addendum issued vide No.7601-7700/RB/PHQ dated 17.08.2010.

DISCLAIMER

It is made clear that this Standing Order is exclusively for internal smooth functioning of Police Department.

Rakesh Asthana

(RAKESH ASTHANA)
COMMISSIONER OF POLICE:
DELHI. 26.4.22

No. 15551-15709 Record Branch/PHQ dated Delhi, the 26/04/2022.

Copy forwarded to:-

1. All Special Commissioners of Police, Delhi.
2. All Joint Commissioners of Police, Delhi including Jt. Director, Delhi Police Academy, Delhi/New Delhi.
3. All Additional Commissioners of Police, Delhi.
4. OSD to CP, Delhi.
5. All Deputy Commissioner of Police, Distt./Units including PHQ, CP Sectt., FRRO and Deputy Director/Delhi Police Academy, Delhi/New Delhi.
6. DCP/IT(PHQ) with the direction to upload the Standing Orders in Intra DP Net.
7. LA to CP & FA to CP, Delhi.
8. All ACsP/Insprs./PHQ.
9. PS/Reader to CP, Delhi.
10. HAR/PHQ.
11. Librarian/PHQ.

Appendix – 'A'

MUNCIPAL CORPORATION OF DELHI
ENGINEERING DEPARTMENT

D/664/SE (P) J dated 25.06.07

POLICY/GUIDELINES FOR INSTALIATION OF GATES FOR SECURITY PURPOSE IN COLONIES

CIRCULAR

As per provision of section 320 of DMC Act "No persons shall except with the permission of the Commissioner, MCD granted in this behalf erect or set up any wall, fence, rail post step, booth or other structure whether fixed or movable or whether of permanent or temporary nature, or any fixture in or upon any street or upon or over any open channel, drain well or tank" According to Corporation vide resolution No. 67 dated 25.04.04 approved guidelines for provision of limited entries at one or two pointes in the colony and copy of resolution was circulated vide E-in-C circular No. F. 506/E-in-C/2004/27 dated 21.06.2004 for necessary action/ compliance at zonal level by all concerned.

Some Resident Welfare Associations filed partitions in the High Court regarding dispute for installation of Iron gate on road in their colonies. Hon'ble High Court vide orders dated 08.09.05 directed Commissioner of MCD to formulate, either byelaws or guidelines pertaining to erection of gates on public roads, etc. by inviting suggestions from Resident Welfare Associations and Commissioner of Police, further directed that no gates would be permitted to be erected on any road till revised guidelines are notified.

On the directions of Hon'ble Delhi High Court, suggestions from Resident Welfare Associations (RWAs), general public and Police Department, were received. Accordingly revised policy has been approved by Commissioner, MCD for grant of permission of RWAs for installation of gates for security purpose in Colonies as per below mentioned guidelines.

Dy. Commissioner of MCD Zone concerned is authorized to give permission for erection of gates, subject to Resident Welfare Associations adhere to following points:

1. RWAs will prepare the layout plan at the colony showing the provision of iron gates at limited entry another persons in the colony.
2. RWA will have to obtain no objection certificate (NOC) from Traffic Police Department of Delhi Police before applying to Dy. Commissioner of concerned MCD Zone.

3. RWAs will have to full fill following points:

(a) The RWAs must be registered with the Registrar of Societies.

(b) Gate should be installed in colonies where the right of way of road is up to 18.3 metre. The gates should be provided only if it is internal road of the colony and does not have buses plying on it.

(c) The minimum width of the gate should be 5.0 metre and height of the gate should not be more than 3.0 metre. There should not be any barrier/advertisement on the top of gate so that the gate is free from any horizontal/vertical obstruction. However, if any board is needed, it should be more than 5.0 metre from the ground level.

(d) Gates would be allowed only at main access point of the colony/ block/pocket. The gates inside the block lanes/bye-lanes/back lanes, and service lanes shall be allowed only on the specific recommendation of local police and only if these lanes have their opening towards the roads outside the colony.

(e) The iron gates should be property located and designed to avoid blockage of arterial or sub-arterial roads by putting gates.

(f) The Resident Welfare Associations shall ensure that there is consensus among the residents regarding putting up of any gates so as to avoid dispute amongst residents.

(g) In the event of any dispute regarding installation opening/closing /manning of the gates,RWAs shall consult the ACP Sub Division and his decision shall be final.

(h) The gates should not cause unreasonable restrictions on right of way/thoroughfare passing through the colony for access to other areas.

(i) Proper written directions and layout plan of the colony indicating existence of gates and the regulation time of entrance/exit form these gates should be available at each such gate enabling a person/vehicle approach the colony easily particularly, for essential services like water, electricity, telephones, sewer, fire brigade, etc.

(j) A proper lay out of the colony indicating the existence of gates and the regulation time of entrance/exit from these gates should be given to the MCD Office along with the application.

(k) The width of gate shall be such that emergency vehicles, i.e. fire brigade, police vehicles, ambulances and other emergency vehicles can reach any part of the colony without any hindrance.

(l) The gates so permitted to be installed shall remain open during the daytime.

(m) During the night after 11.00 pm, gates may be closed upto 5.00 am but entry and exit facility shall be made available to the residents and entry/exit shall be manned by the watch and ward to be appointed by the RWAs at their const.

(n) Wherever gates have been provided there shall be a provision of wicket gate for easy access and entry for provision of wicket gate for easy access and entry for pedestrians.

(o) The number of gates to be put up shall be decided depending upon the geographical location and topography of the colony nature of traffic and traffic circulation as a whole. The gates so installed shall be strictly regulated according to the timings fixed.

(p) The RWAs shall supply the information about the details of the security persons deployed by them at the main and other gates to the local police station and DC Zone.

(q) RWAs office bearers shall be fully responsible and accountable as per law on account of non-functioning of these gates in case of any emergency/mishap. Hence, their names should be displayed on RWA notice board along with their addresses and contract numbers.

(r) No funds will be provided by the M.C.D. out of its own budget or from discretionary funds of any area representative to RWAs for installation of gates in the colonies.

(s) This revised policy shall be applicable to the existing gates also hence gates already installed by RWAs in the colony should be got regularized by MCD within the period of six months.

(t) No Commercial advertising is permitted on the gates except information about the colony.

(u) Gates shall be properly fixed and they should be structurally safe. In case of any accident/mishap, office bearers of RWAs shall be fully responsible and accountable as per law.

(v) Sanction for installation of the iron gate will be accorded within 45 days from the date of receiving of proposal from the concerned RWAs.

Sd/-
Addl. Commissioner (Engg..)

All Dy. Commissioners of Zones
Copy for information to :

1. Commissioner MCD
2. Commissioner of Police
3. Chief Fire Officer
4. CLO
5. D.C (IT) for Publication on MCD website.

Sd/-
Addl. Commissioner (Engg.)