

Punjab Prevention of Damage to Public and Private Property Act, 2014

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Act 4 of 2017

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Punjab Prevention of Damage to Public and Private Property Act, 2014(Punjab Act No. 4 of 2017)[Dated.12.6.2017]Government of PunjabDepartment of Legal and Legislative Affairs, PunjabNo.6-Leg./2017. - The following Act of the Legislature of the State of Punjab received the assent of the President of India on the 22nd day of September, 2015, is hereby published for general information: -An Act to provide for the prevention of damage to public and private property and for the matters connected therewith or incidental thereto.Be it enacted by the Legislature of the State of Punjab in the Sixty-fifth year of the Republic of India, as follows: -

1. Short title and commencement.

(1)This Act may be called the Punjab Prevention of Damage to Public and Private Property Act, 2014.(2)It shall come into force on and with effect from the date of its publication in the official Gazette.

2. Definitions.

- In this Act, unless the context otherwise requires,-(a)"competent authority" means an authority, constituted under Section 7 by the State Government;(b)"damaging act" includes an act, agitation, strike, hartal, dharna, bandh or demonstration or march or procession or blockade of rail or road traffic by an individual, group of individuals, organization, any party whether social, religious or political, by which any damage or loss or destruction is caused to any public or private property;(c)"organizer" shall include any person or persons or office bearers of any organization, union or party, who arrange, instigate, conspire, advise or guide for doing any damaging act;(d)"public property" means any property, whether immovable or moveable (including any machinery), which is owned by, or in the possession of, or under the control of -(i)the Central

Government; or(ii)any State Government; or(iii)any local authority; or(iv)any corporation or institution established by, or under a Central or State Act; or(v)any company as defined in sub-section (20) of section 2 of the Companies Act, 2013 (Act No. 18 of 2013); or(vi)any board established by, or under a Central or State Act; or(vii)any society registered under a Central or State Act; or(viii)any trust registered under a Central or State Act; or(ix)any institution, concern or undertaking, which the Central Government or the State Government may, by notification in the Official Gazette specify in this behalf:Provided that the Central Government or the State Government shall not specify any institution, concern or undertaking under this sub-clause, unless such institution, concern or undertaking is financed wholly or substantially by the funds, provided directly or indirectly by the Central Government or by the State Government or by one or more State Governments or partly by the Central Government and partly by one or more State Governments;(e)"private property" means any property, whether movable or immovable (including any machinery), other than the public property, which is owned by or in the possession of, or under the control of, any person or organization or institution or entity;(f)"section" means section of this Act; and(g)"State Government" means the Government of the State of Punjab.

3. Prohibition of doing damageing act.

(1)Whoever organizes a agitation, strike, hartal, dharna, bandh or demonstration or march or procession or blockade of rail or road traffic whether by an individual, group of individuals shall not indulge in any damaging act.(2)The State Government may videograph such damaging acts.

4. Penalty for causing damage.

- Whoever commits any damaging act in respect of any public or private property, shall be punished with imprisonment for a term, which may extend to one year and shall also be liable to fine, which may extend to one lakh rupees.

5. Penalty for causing damage by fire or explosive substance.

- Whoever commits any damaging act by fire or explosive substance, shall be punished with imprisonment for a term, which shall not be less than one year, but which may extend to two years and shall also be liable to fine, which may extend to three lakhs rupees:Provided that the court may, for special reasons, to be recorded in writing in the judgment, award a sentence of imprisonment for a term of less than one year.

6. Recovery of damage or loss.

(1)Whoever is found guilty of doing any damaging act, shall, in addition to the sentence imposed, be also liable to make payment of an amount, equivalent to the loss, caused to the public or private property, as determined by the competent authority.(2)While determining the loss or damage, the competent authority, shall make assessment of damage, caused to the public or private property, and cause to recover the same from the organizer and the participants of the damaging act, found

guilty, as arrears of land revenue.

7. Constitution of competent authority.

(1)The State Government shall, by notification in the Official Gazette, constitute an authority, to be known as the competent authority for the purposes of this Act.(2)The competent authority shall make assessment of the loss or damage, caused by a damaging act, in such manner, as may be determined by it.(3)Any person aggrieved by the assessment of loss or damage made under sub-section (2), may, within a period of thirty days from the date on which the order of assessment is communicated to him, prefer an appeal to the State Government.

8. Offences to be non-bailable.

(1)The offences committed under this Act, shall be non-bailable.(2)No person, accused of an offence, punishable under this Act, shall, if he is in custody, be released on bail on furnishing his bail bond, unless the prosecution has been given opportunity to oppose the bail application of such release.

9. Offences to be cognizable.

(1)The offences committed under this Act, shall be cognizable. The Police Officer, not below the rank of Head Constable, shall be competent to arrest the organizer or the participant, found to be involved in the commission of offences under this Act.(2)No court inferior to the court of Chief Judicial Magistrate shall try any offence committed under this Act.

10. Special provision regarding evidence.

- Notwithstanding anything contained in any other law for the time being in force, the videographic version of the damaging act recorded on the spot, shall be considered as sufficient evidence of the offence committed and the damage caused to the public or private property.

11. The provisions of this Act are not in derogation of any other law.

- The provisions of this Act shall be, in addition to, and not in derogation of the provisions of any other law, for the time being in force, and nothing contained in this Act, shall exempt any person from any proceedings (whether by way of investigation or otherwise), which might apart from this Act, be instituted or taken against him.