

The Maharashtra Prevention Of Defacement Of Property Act, 1995.

MAHARASHTRA

India

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Act 8 of 1995

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The Maharashtra Prevention Of Defacement Of Property Act, 1995. Act 8 of 1995 An Act to provide for the prevention of defacement of property and for matters connected therewith or incidental thereto. WHEREAS, both Houses of the State Legislature were not in session; AND WHEREAS, the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to have a special law to provide for the prevention of defacement of any property or place open to public view and to provide for matters connected therewith or incidental thereto; and, therefore, promulgated the Maharashtra Prevention of Defacement of Property Ordinance, 1995, on the 18th January 1995; AND WHEREAS, it is expedient to replace the said Ordinance by an Act of the State Legislature; It is hereby enacted in the Forty-sixth Year of the Republic of India as follows :—

1. Short title and commencement.

(1) This Act may be called the Maharashtra Prevention of Defacement of Property Act, 1995. (2) It shall be deemed to have come into force on the 18th January 1995.

2. Definitions.

In this Act, unless the context otherwise requires,—(a) “advertisement” means any printed, cyclostyled, typed or written notice document, paper or any other thing containing any letter, word, picture, sign or visible representation; (b) “defacement” includes impairing or interfering with the appearance or beauty, damaging, disfiguring, spoiling or injuring in any way whatsoever and the word “deface” shall be construed accordingly; (c) “place open to public view” includes any private place or building, monument statue, post, wall, fence, tree or contrivance visible to a person being in

or passing along, any public place;(d)“public place” means any place (including a road, street or way whether a thoroughfare or not and a landing place) to which the public are granted access or have a right to resort or over which they have a right to pass.

3. Penalty for defacement

Whoever by himself or through any other person defaces any place open to public view shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to two thousand rupees, or with both:Provided that nothing in this section shall apply to any advertisement which,—(i)is exhibited with the written permission of the local authority having jurisdiction over such area in this behalf;(ii)is exhibited within the window of any building if the advertisement relates to the trade, profession or business carried on in that building; or(iii)relates to the trade, profession or business carried on within the land or building upon or over which such advertisement is exhibited or to any sale or letting of such land or building or any effects therein or to any sale, entertainment or meeting to be held on or upon or in the same; or(iv)relates to the name of the land or building upon or over which the advertisement is exhibited, or to the name of the owner or occupier of such land or building; or(v)relates to the business of a railway administration and is exhibited within any railway station or upon any wall or other property of a railway administration.

4. Offence to be cognizable.

An offence punishable under this Act shall be cognizable.

5. Power of State Government to erase writing, etc.

Without prejudice to the provisions of section 3, it shall be competent for the State Government to take such steps as may be necessary for freeing from any defacement, erasing any writing or removing any erection or fixation from, any place open to public view. The expenditure incurred for such removal of defacement or for erasing any writing, or removing any erection or fixation, incurred by the State Government shall be recoverable from the person guilty of such offence under section 3 and if not paid, shall be recovered from such person as arrears of land revenue under the provisions of the Maharashtra Land Revenue Code, 1966.

6. Indemnity.

No suit, prosecution or other legal proceedings shall lie against the State Government, any local authority or person for anything which is in good faith or in public interest done or intended to be done under this Act.

7. Act to override other laws.

The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force.

8. Removal of difficulties.

If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion requires, by order, do anything not inconsistent with the objects and purposes of this Act, which appears to it to be necessary or expedient for the purpose of removing the difficulty :Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

9. Repeal of Mah. Ord. I of 1995 and saving.

(1)The Maharashtra Prevention of Defacement of Property Ordinance, 1995 is hereby repealed.(2)Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken, as the case may be, under the corresponding provisions of this Act.