

# Rajasthan Prevention of Defacement of Property Act, 2006

RAJASTHAN

India

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### Act 13 of 2006

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Rajasthan Prevention of Defacement of Property Act, 2006(Act No. 13 of 2006)RJ74Statement of Objects and Reasons. - The problem of defacement of property in public view by defacing or spitting or urinating or pasting pamphlets or posters or writing or marking with ink, chalk, paint or any other material or method has been engaging the attention of the State Government for quite some time. With a view to prevent the defacement of the property in public view and to maintain beauty of the towns and cities in the State, it has been considered expedient to enact a suitable legislation in the State.The Bill seeks to achieve the aforesaid objects.Statement of Objects and Reasons (Act No. 12 of 2015). - It has been found that houses, walls, fences and other structures situated in the municipal area are usually defaced by various persons. Such defacement spoils the public view and the beauty of the properties and causes the bad image of the city or town in the minds of citizens as well visitors. It is, therefore, felt necessary to put a check on such activities and preserve the originality and beauty of all places including the places of historical, tourism and heritage importance. For this purpose the Rajasthan Prevention of Defacement of Property Act, 2006 was enacted. But, now it is felt, that the penalty prescribed under the Act is too meagre and insufficient to check such activities in spite of close vigil and enforcement. Therefore, the State Government has proposed to enhance the penalty prescribed in sub-section (1) of section 3 of the Act and amend the said sub-section accordingly.The Bill seeks to achieve the aforesaid objectives.Hence the Bill.Statement of Objects and Reasons (Act No. 13 of 2006). - The problem of defacement of property in public view by defacing or spitting or urinating or pasting pamphlets or posters or writing or marking with ink, chalk, paint or any other material or method had been engaging the attention of the State Government for some time. With a view to prevent the defacement of property in public view and to maintain beauty of the towns and cities in the State, it was considered expedient to enact a suitable law and accordingly a Bill was introduced in the fourth session of the twelfth Rajasthan Legislative Assembly. However, the Bill could not be passed in that session.The problem of defacement of property in public view was widespread and required immediate action.Since the Rajasthan Legislative Assembly was not in session and circumstances existed which rendered it necessary for the Governor to take immediate action, therefore, she promulgated the

Rajasthan Prevention of Defacement of Property Ordinance, 2006 (Ordinance No. 2 of 2006) on 15.1.2006, Which was published in Rajasthan Gazette, Part IV (B), Extraordinary, dated 17.1.2006. This Bill seeks to replace the aforesaid Ordinance. Published in Gazette of Rajasthan, Extraordinary, Part 4(Ka), dated 3.5.2006, page 17(5). [Received the assent of the President on the 25th day of April, 2006] An Act to provide for the prevention of defacement of property and for matters connected therewith or incidental thereto. Be it enacted by the Rajasthan State Legislature in the Fifty-seventh year of the Republic of India as follows:-

## **1. Short title, extent and commencement.**

(1) This Act may be called the Rajasthan Prevention of Defacement of Property Act, 2006. (2) It shall extend to the municipal areas of the State of Rajasthan. (3) It shall be deemed to have come into force on and from 17th January, 2006.

## **2. Definition.**

- In this Act, unless the context otherwise requires,-(a) "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; (b) "municipal area" and "municipality" shall have the same meaning as assigned to them in the [Rajasthan Municipalities Act, 1959 (Act No. of 38 of 1959)] [Now see the provisions of Rajasthan Municipalities Act, 2009]; (c) "property" includes any building, hut, monument, statue, water pipe line, public road, structure, wall including compound wall, tree, fence, post, pole or any other erection as may be notified by the State Government from time to time; (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; (e) "public view" means anything which is visible to public while they are in or passing along any public place; and (f) "writing" includes decoration, lettering, ornamentation, etc., produced by stencil.

## **3. Penalty for defacement of property.**

(1) Whoever defaces any property in public view by defacing or spitting or urinating or pasting pamphlets, posters etc. or writing or marking with ink, chalk, paint or any other material or method except for the purpose of indicating the name and address of the owner or occupier of such property, shall be punishable, in case of first offence, with imprisonment for a term which may extend to [one year or with fine which shall not be less than five thousand rupees but which may extend to ten thousand rupees or with both, and in case of each subsequent offence, with imprisonment for a term which may extend to two years or with fine which shall not be less than ten thousand rupees but which may extend to twenty thousand rupees or with both.] [Substituted by Act No. 12 of 2015, dated 22.4.2015.] (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) 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 offence was committed without his knowledge or

consent, be deemed to be guilty of such offence.

#### **4. Punishment for attempt to commit offence.**

- Whoever attempts to commit any offence punishable under this Act or causes such offence to be committed and in such attempt does any act towards the commission of the offence, shall be punishable with the punishment provided for the offence.

#### **5. Punishment for abettor.**

- Any person who by the supply of or solicitation for money, the providing of premises, the supply of materials or in any manner whatsoever procures, counsels, aids, abets, or is accessory to, the commission of any offence under this Act shall be punished with the punishment provided for the offence.

#### **6. Offence to be cognizable**

- An offence punishable under this Act shall be cognizable.

#### **7. Power to erase writing etc.**

- Without prejudice to the provisions of Section 3, it shall be competent for the municipality or any officer authorised by it in this behalf, to take such steps as may be necessary for erasing any writing, freeing any defacement or removing any mark from any property.

#### **8. Power to compound offence.**

- It shall be competent for the municipality or any officer authorised by it in this behalf to withdraw any prosecution, or to compound any offence committed under this Act on such terms and conditions as may be prescribed.

#### **9. Indemnity**

- No suit, prosecution or other legal proceedings shall lie against the 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.

#### **10. 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.

## **11. Power to make rules.**

(1)The State Government may, by notification in the Official Gazette, make rules for the purpose of carrying into effect the provisions of this Act.(2)All rules made under this Act shall be laid, as soon as may be, after they are so made, before the House of the State Legislature, while it is in session, for a period of not less than fourteen days which may be comprised in one session or in two successive sessions and if before the expiry of the session in which they are so laid or of the session immediately following, the House of the State Legislature makes any modification in any of such rules or resolves that any such rule should not be made, such rule shall, thereafter, have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of any-thing previously done thereunder.

## **12. Repeal and savings.**

(1)The Rajasthan Prevention of Defacement of Property Ordinance, 2006 (Ordinance No. 2 of 2006) is hereby repealed.(2)Notwithstanding such repeal, all things done, actions taken or orders made under the said Ordinance shall be deemed to have been done, taken or made under this Act.