

THE LAKSHADWEEP OPEN PLACES (PREVENTION OF DEFACEMENT) REGULATION, 2022

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Regulation 6 of 2022

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Promulgated by the President in the Seventy-third Year of the Republic of India. A Regulation to prevent defacement by objectionable or unauthorised advertisements in places open to public view in the Union territory of Lakshadweep. In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by her:—

1. Short title extent and commencement.

(1) This Regulation may be called the Lakshadweep Open Places (Prevention of Defacement) Regulation, 2022. (2) It extends to the whole of the Union territory of Lakshadweep. (3) It shall come into force at once.

2. Definition

In this Regulation, unless the context otherwise requires,—(a) “Administrator” means the Administrator of the Union territory of Lakshadweep appointed by the President under article 239 of the Constitution; (b) “advertisement” includes any effigy or any bill, notice, document, paper or other thing containing any words, signs or visible representations; (c) “defacement” includes impairing or interfering with the appearance or beauty, damaging, disfiguring, spoiling or injuring in any other way whatsoever and the word “deface” shall be construed accordingly; (d) “objectionable advertisement” means any advertisement which is likely to—(4) incite any person to commit murder, sabotage or any offence involving violence; or (ii) seduce any member of any of the armed forces of the Union or of the police forces from his allegiance or his duty, or prejudice the recruiting of persons to serve in any such force or prejudice the discipline of any such force; or (iii) incite any section of the citizens of India to acts of violence against any other section of the citizens of India or which—(A) is deliberately intended to outrage the religious feelings of any class of the citizens of India by insulting or blaspheming or profaning the religion or the religious beliefs of that class;

or(B)is grossly indecent, or is scurrilous or obscene or intended for blackmail.Explanation.—An advertisement shall not be deemed to be objectionable merely because words or signs or visible representations are used criticising anysocial or religious practices without malicious intention and with an honest view to promote social or religious reforms or social justice;(e)“place open to public view” includes any private place or building, monument, statue, post, wall, fence, tree or other thing or contrivance which is visible to a person being in, or passing along, any public place;(f)“property” includes any building, hut, monument, statue, water pipe line, structure, wall including compound wall, tree, fence, post, pole or any other erection;(g)“public place” means any place (including a road, street or way, whether a through fare 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;(h)“writing” includes decoration, lettering or ornamentation produced by stencil.

3. No person to affix, inscribe or exhibit any objectionable, advertisement etc. in any place open to public.

On and from the commencement of this Regulation, no person shall affix to, or affix, inscribe — ingcribe or exhibit on, any place open to public view(i)Objectionable advertisement(ii)any advertisement without the written consent of the owner or occupier or place open to person in the management of the property in which such place is situated.

4. Administer to specify by notification any area where no person shall deface any place open to public view

Notwithstanding anything contained in this Regulation or in any other law for the time being in force, where the Administrator is satisfied that it is necessary or expedient so to do, he may, for the purpose of preventing defacement, by notification in the Official Gazette, direct that on and from such date, and in such area, as may be specified in the notification, no person shall deface any place open to public view by spitting or urinating or pasting pamphlets, poster or writing or marking with ink, chalk, paint or with any other material or method, except for the purpose of indicating the name and for such other purposes, as may be specified in that notification.

5. Penalty for defacement by objectionable advertisements.

Whoever affixes to, or inscribes or exhibits on, any place open to public view any objectionable advertisement shall be punished with imprisonment of either description for a term which may extend to three months or with fine which may extend to one thousand rupees, or with both.

6. Penalty for unauthorised defacement by advertisements.

Whoever affixes to, or inscribes or exhibits on, any place open to public view any advertisement without the written consent of the owner or occupier or person in management of the property in which such place is situated shall be punished with imprisonment of either description for a term which may extend to three months or with fine which may extend to one thousand rupees, or with

both.

7. Penalty for contravention of notification issued under section 4.

Whoever defaces any place open to public view in contravention of the notification issued under section 4 shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees, or with both.

8. Punishment of abettors.

Whoever in any manner whatsoever causes, procures, counsels, aids, abets or is accessory to, the commission of any offence under section 3 or section 4 or section 5 shall be punished with the punishment provided for the offence.

9. Burden of proof in certain cases.

Where a person is prosecuted for committing an offence under section 6, the burden of proving that he has the written consent referred to in that section shall be on him.

10. Offences by companies.

(1) Where an offence has been committed by a company, every person who, at the time when the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence, and shall be liable to be proceeded against and punished accordingly: Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Regulation, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence. (2) Notwithstanding anything contained in sub-section (1), where an offence under this Regulation has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any gross negligence on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer of the company, shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. Explanation—For the purpose of this section,—(a) “company” means any body corporate and includes a firm or other association of individuals; and (b) “director”, in relation to a firm, means a partner in the firm.

11. Offences under Act to be cognizable.

Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence punishable under this Regulation shall be deemed to be a cognizable offence within the meaning of that Code.

12. Indemnity.

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

13. Power of Administrator to erase writing, etc.

(1)The Administrator or any officer authorised in this behalf may, by notice, require the owner or the person having control over any place open to public view, to erase any writing, free any defacement or remove any mark from such place within such time as may be specified in that notice.(2)Where the owner or person to whom notice is issued under sub-section (/) fails to carry out erasing of writing or freeing or removing of defacement within the specified time, the Administrator or the authorised officer may cause erasing of writing or freeing or removing of defacement to be done and the expenses so incurred shall be paid by the owner or the other person and in default of such payment, such expenses shall be recovered from such owner or other person as if they were arrears of land revenue.

14. Other laws not affected

The provisions of this Regulation are in addition to, and not in derogation of, the provisions of any other law for the time being in force.

15. Power to make rules

The Administrator may, by notification published in the Official Gazette, make make rules. rules to carry out the provisions of this Regulation.