

Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959

TAMILNADU

India

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Act 2 of 1959

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Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959 (Tamil Nadu Act 2 of 1959) Statement of Objects and Reasons - Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959 (Tamil Nadu Act 2 of 1959). - For Statement of Objects and Reasons, please See Part IV - A, page 478 of the Fort St. George Gazette Extraordinary, dated the 30th October 1958. Statement of Objects and Reasons - Tamil Nadu Open Places (Prevention of Disfigurement) Amendment Act, 1992 (Tamil Nadu Act 55 of 1992). - Posters have become a great menace in the areas within the limits of the Municipal Corporations and the Municipalities in the State. They are pasted all over the places including walls of public and private buildings and structures which map the look and affect conservancy work. The pasting of posters in all places is spreading like a virus. In order to arrest this trend and with a view to beautify the cities and municipal towns, the Government had decided to prohibit the pasting of posters on the walls of private buildings, public buildings or any other structure in any place open to public view in the areas within the limits of the Municipal Corporations as well as in the Municipalities in the State. To achieve the above object, the Government had decided to amend the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959 (Tamil Nadu Act 2 of 1959) suitably and to bring the aforesaid amendments into force in the City of Madras immediately and in other Municipal Corporations or Municipalities on subsequent dates to be notified by the Government. To give effect to the above decision, the Tamil Nadu Open Places (Prevention of Disfigurement) Amendment Ordinance, 1992 (Tamil Nadu Ordinance 7 of 1992) was promulgated by the Governor on the 16th June 1992 and the same was published in the Tamil Nadu Government Gazette Extraordinary, dated the 16th June 1992. 2. Subsequently, the Government have decided that provision may also be made in the said Act to the effect that the prohibition for pasting of posters or for affixing advertisements under the proposed new section-A shall not apply to any poster or advertisement affixed or inscribed or exhibited, as the case may be, on such places as may be specified by order by the Commissioner of Police in the City of Madras, Madurai and Coimbatore and the Collector of the district concerned in other local areas, subject to such conditions as may be specified in such order. 3. The Bill seeks to replace the said Ordinance and also to give effect to the above decision. Published In Part IV - Section 1 of the Tamil Nadu

Government Gazette Extraordinary, dated the 21st September 1992. Statement of Objects and Reasons - Tamil Nadu Open Places (Prevention of Disfigurement) Amendment Act, 1994 (Tamil Nadu 8 of 1994). - The practice of affixing posters of all kind on motor vehicles used for road transport service run and operated by the State Transport Undertakings has increased which mar the look of the motor vehicles. The pasting of posters in all such motor vehicles is spreading like a virus. In order to arrest this trend, the Government have decided to prohibit the pasting of posters of all kind on such motor vehicles in the State of Tamil Nadu. To achieve the above object, the Government have decided to amend the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959 (Tamil Nadu Act 2 of 1959), suitably.² The Bill seeks to give effect to the above decision. Published in Part IV - Section I of the Tamil Nadu Government Gazette Extraordinary, dated the 3rd January 1994. Statement of Objects and Reasons - Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959 (Tamil Nadu Act 2 of 1959). - For Statement of Objects and Reasons, please See Part IV - A, page 478 of the Fort St. George Gazette Extraordinary, dated the 30th October 1958. Statement of Objects and Reasons - Tamil Nadu Open Places (Prevention of Disfigurement) Amendment Act, 1992 (Tamil Nadu Act 55 of 1992). - Posters have become a great menace in the areas within the limits of the Municipal Corporations and the Municipalities in the State. They are pasted all over the places including walls of public and private buildings and structures which mar the look and affect conservancy work. The pasting of posters in all places is spreading like a virus. In order to arrest this trend and with a view to beautify the cities and municipal towns, the Government had decided to prohibit the pasting of posters on the walls of private buildings, public buildings or any other structure in any place open to public view in the areas within the limits of the Municipal Corporations as well as in the Municipalities in the State. To achieve the above object, the Government had decided to amend the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959 (Tamil Nadu Act 2 of 1959) suitably and to bring the aforesaid amendments into force in the City of Madras immediately and in other Municipal Corporations or Municipalities on subsequent dates to be notified by the Government. To give effect to the above decision, the Tamil Nadu Open Places (Prevention of Disfigurement) Amendment Ordinance, 1992 (Tamil Nadu Ordinance 7 of 1992) was promulgated by the Governor on the 16th June 1992 and the same was published in the Tamil Nadu Government Gazette Extraordinary, dated the 16th June 1992.² Subsequently, the Government have decided that provision may also be made in the said Act to the effect that the prohibition for pasting of posters or for affixing advertisements under the proposed new section-A shall not apply to any poster or advertisement affixed or inscribed or exhibited, as the case may be, on such places as may be specified by order by the Commissioner of Police in the City of Madras, Madurai and Coimbatore and the Collector of the district concerned in other local areas, subject to such conditions as may be specified in such order.³ The Bill seeks to replace the said Ordinance and also to give effect to the above decision. Published In Part IV - Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 21st September 1992. Statement of Objects and Reasons - Tamil Nadu Open Places (Prevention of Disfigurement) Amendment Act, 1994 (Tamil Nadu 8 of 1994). - The practice of affixing posters of all kind on motor vehicles used for road transport service run and operated by the State Transport Undertakings has increased which mar the look of the motor vehicles. The pasting of posters in all such motor vehicles is spreading like a virus. In order to arrest this trend, the Government have decided to prohibit the pasting of posters of all kind on such motor vehicles in the State of Tamil Nadu. To achieve the above object, the Government have decided to amend the Tamil

Nadu Open Places (Prevention of Disfigurement) Act, 1959 (Tamil Nadu Act 2 of 1959), suitably.2. The Bill seeks to give effect to the above decision. Published in Part IV - Section I of the Tamil Nadu Government Gazette Extraordinary, dated the 3rd January 1994. Received the assent of the Governor on the 16th March 1959, and first published in the Fort St. George Gazette, dated 25th March 1959. An Act to prevent disfigurement by objectionable or unauthorised advertisements of places open to public view in the [State of Tamil Nadu] [Substituted for the expression 'State of Madras' by the Tamil Nadu Adaptation of Laws Order, 1969 as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.]. Whereas it is expedient to prevent disfigurement by objectionable or unauthorised advertisements of places open to public view in the State of Tamil Nadu; Be it enacted in the Tenth Year of the Republic of India as follows : -

1. Short title and extent.

(1) This Act may be called the [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Open Places (Prevention of Disfigurement) Act, 1959. (2) It extends to the whole of the [State of Tamil Nadu] [Substituted for the expression 'State of Madras' by the Tamil Nadu Adaptation of Laws Order, 1969 as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.].

2. Definitions.

- In this Act, unless the context otherwise requires, -(a) "advertisement" includes any effigy or any bill, notice, document, paper or other thing containing any words, signs or visible representations; (b) "objectionable advertisement" means any advertisement which is likely to -(i) 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 -(iv) 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 (v) 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 -(1) expressing disapprobation or criticism of any law or of any policy or administrative action of the Government with a view to obtain its alteration or redress by lawful means; (2) criticising any social or religious practices without malicious intention and with an honest view to promote social or religious reform or social justice; (c) "place open to public view" includes any private place or building, monument, statue, post, wall, fence, tree or other thing, 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 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.

3. Penalty for disfigurement 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 one year or with fine which may extend to one thousand rupees or with both.

4. Penalty for unauthorised disfigurement 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 two hundred rupees, or with both.

5. 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 shall be punished with the punishment provided for the offence.

6. Burden of proof in certain cases.

- Where a person is prosecuted for committing an offence under section 4, the burden of proving that he has the written consent referred to in that section shall be on him.

7. 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 Act, 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 Act 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.

8. Offences under the Act to be cognizable.

- Notwithstanding anything contained in the [Code of Criminal Procedure, 1898] [See the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).], any offence punishable under this Act shall be deemed to be a cognizable offence within the meaning of that Code.

9. Indemnity.

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

10. Other laws not affected.

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

11. Power to make rules.

(1)The State Government may make rules for the purpose of carrying out the provisions of this Act.(2)All rules made under this Act shall, as soon as possible after they are made, be placed on the table of [the Legislative Assembly] [Substituted for the words 'both Houses of the Legislature' by the Tamil Nadu Adaptation of Laws and Order, 1987.] and shall be subject to such modifications by way of amendments or repeal as the Legislature may make either in the same session or in the next session.