

The Goa Prevention of Defacement of Property Act, 1988

GOA

India

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Act 5 of 1990

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The Goa Prevention Of Defacement Of Property Act, 1988[Act No. 5 of 1990][31st May 1990]ANACTto provide for the prevention of defacement of property and for matters connected therewith or incidental thereto.Be it enacted by the Legislative Assembly of Goa in the Thirty-ninth Year of the Republic of India as follows:—

1. Short title, extent and commencement.—

(1)This Act may be called the Goa Prevention of Defacement of Property Act, 1988.(2)It extends to the whole of the State of Goa.(3)It shall come into force on such date as the Government may by notification in the Official Gazette, appoint.

2. Definitions.—

In this Act, unless the context otherwise requires,—(a)‘Government’ means the Government of the State of Goa;(b)‘Collector’ means the Collector of the North and South Districts of Goa and includes any officer appointed by the Government to exercise and perform all or any of the powers and functions of a Collector under this Act;(c)‘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;(d)‘Official Gazette’ means the Goa Government Gazette;(e)‘Notification’ means notification published in the Official Gazette;(f)‘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 except at specified places; the words “except at places specified by the Government or local authority from time to time” shall be substituted..(g)‘public view’ means anything which is visible to public while they are in or passing along any public place;(h)‘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;(i)'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 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 with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.(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.“Provided that in the interest of tourism and economic activities of the State of Goa, the Collector may allow displaying of any board hoarding at any public place on such terms and conditions and at such rates as may be notified by the Government by notification from time to time”.(i)for the words “one thousand rupees”, the words “five thousand rupees” shall be substituted;(ii)for the existing proviso, the following shall be substituted, namely:—“Provided that in the interest of tourism and economic activities of the State of Goa, the Collector or any other authority authorized by the Government in this behalf, may, allow displaying of any board or hoarding at any public place and, for activities necessitating digging of a public road, allow such digging, on such terms and conditions and at such rates as may be notified by the Government by notification from time to time.”

4. Punishment for attempt to commit offences.—

Whoever attempts to commit any offence punishable under this Act or to cause 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 abettors.—

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 punishments provided for the offence.

6. Offence to be cognizable.—

An offence punishable under this Act shall be cognizable.

7. Power of the Collector to erase writing, etc.—

Without prejudice to the provisions of section 3, it shall be competent for the Collector to take such steps as may be necessary for erasing any writing, freeing any defacement or removing any mark from any property.

8. '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.

9. 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.