

Arunachal Pradesh Prevention of Defacement of Property Act, 1997

ARUNACHAL PRADESH

India

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Act 6 of 1997

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Arunachal Pradesh Prevention of Defacement of Property Act, 1997(Act No. 6 of 1997)Last Updated 2nd March, 2020An Act to provide for the prevention of defacement of property and for matters connected therewith or incidental thereto.BE it enacted by the Legislative Assembly of Arunachal Pradesh in the Forty-eighth Year of the Republic of India as follows : -

1. Short title and commencement.

(1)This Act may be called the Arunachal Pradesh Prevention of Defacement of Property Act, 1997.(2)It extends to the whole of the State of Arunachal Pradesh.(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)"Deputy Commissioner" means the Deputy Commissioner of a district and includes any officer appointed by the Government to exercise and perform all or any of the powers and functions of a Deputy Commissioner under this Act; (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)"Government" means the Government of Arunachal Pradesh ; (d)"notification" means a notification published in the Official Gazette ; (e)"Official Gazette" means the Official Gazette of Arunachal Pradesh ; (f)"property" means any property- Government or private including any building, hut monument, statue, water pipe lines, public roads, structure, wall including compound wall, trees, fence, post, pole or any other erection except those specified or identified places as may be allowed by the Deputy Commissioner or by such officer authorised by him in this behalf from time to time ; (g)"public place" means any place (including a road, street or way whether

a thorough 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)"public view" means anything which is visible to public while they are in or passing along with any public place;(i)"writing" includes decoration, lettering, ornamentation etc., produced by stencil or in any other manner.

3. Penalty for defacement of property.

(1)Whoever defaces any property in public view by defecating 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.

4. Penalty 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 under section 3.

5. Penalty for abetment.

- Any person who, by the supply of or solicitation for money, provides premises, supply material's or in any manner whatsoever, procures, counsels, aids, abets in the commission of offence or is accessory to such commission of offence under this Act shall be punishable with the punishments provided for the offence under section 3.

6. Offence to be cognizable.

- An offence punishable under this Act shall be cognizable.

7. Erasure of writings etc. powers of Deputy Commissioner.

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

8. Protection of action taken in good faith.

- 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 over ride 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.