

## **Prevention Of Defacement Of Property Act, 1987**

**05 of 1987**

### CONTENTS

1. Short Title, Extent And Commencement
2. Definition
3. Penalty For Defacement Of Property
4. Offence To Be Cognizable
5. Power Of State Government To Erase Writing, Etc
6. Act To Override Other Laws

## **Prevention Of Defacement Of Property Act, 1987**

**05 of 1987**

An Act to provide, in the public interest, for the Prevention of Defacement of property and for matters connected therewith or incidental thereto Be it enacted in the thirty-eight year of the Republic of India by the Legislature of Bihar as follows:- 1. Received assent on 14.4.87 and Published in Bihar Gazette Extraordinary No. 163 dated April 18, 1987.

### **1. Short Title, Extent And Commencement :-**

- (1) This Act may be called the Bihar Prevention of Defacement of Property Act, 1987.
- (2) It extends to the whole of the State of Bihar.
- (3) It shall come into force at once.

### **2. Definition :-**

In this Act, unless the context otherwise requires-

- (a) "Defacement" includes impairing or interfering with the appearance or beauty or damaging, disfiguring, spoiling or injuring in any other way whatsoever;
- (b) "Property" includes any building, structure, wall, tree, fence, post or any other erection;
- (c) "Writing" includes decoration, lettering, ornamentation, etc. produced by stencil.

### **3. Penalty For Defacement Of Property :-**

(1) Anybody, who defaces any property in public view by writing or marking with ink, chalk, paint or any other material, except for the purpose of indicating the name and address of the owner or occupier of such property shall be deemed to have committed an offence under this Act and he 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 or President, Chairman, Director, Partner, Manager, Secretary, agent or any other officer or person concerned 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.

1[(3) The owner or the occupier of a private property, after giving written consent, may permit, any person or persons, contesting an election, to which The Representation of The People Act, 1951 is applicable, either as an independent candidate or on the symbol of a recognized political party, to use his private property for the purpose of election campaign during the period notified by the Election Commission for the completion of the process of that election.]

1. Inserted Section (3) after sub-section (2) vide Sec. 2 of Amdt. Act 18 of 2010.

### **4. Offence To Be Cognizable :-**

An offence punishable under this Act shall be cognizable.

### **5. Power Of State Government To Erase Writing, Etc :-**

Without prejudice to the provisions of Section 3, the State Government shall be competent to take such steps, as may be necessary, for erasing any writing, removing any defacement, removing any mark from any property.

### **6. 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.