

Haryana Prevention Of Defacement Of Property Act, 1989

11 of 1990

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Haryana Prevention Of Defacement Of Property Act, 1989

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AN ACT To provide for the prevention of defacement of property.
Be it enacted by the Legislature of the State of Haryana in the
Fortieth Year of the Republic of India as follows:-

1. Short Title, Extent And Commencement :-

- (1) This Act may be called the Haryana Prevention of Defacement of Property Act, 1989.
- (2) It extends to the whole of the State of Haryana.
- (3) This Act shall come into force in such areas and on such dates as the State Government may, by notification, specify and different dates may be specified for different areas.

2. Definitions :-

In this Act, unless the context otherwise requires, -

(a) "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;

1[(ai) "Government" means Government of the State of Haryana;

(a-ii) "Local authority" means a Municipal Corporation, Municipal

Council, Municipal Committee, Town Improvement Trust, Haryana Urban Development Authority or other authority legally entitled to, or entrusted by the Government with, the control or management of municipal or local fund;

(a-iii) "prescribed" means prescribed by rules made under this Act;]

(b) "property" includes any building, hut, structure, wall tree, fence, post, pole or any other erection; and

(c) "writing" includes decoration, lettering, ornamentation, produced by stencil.

3. Places Earmarked For Display Of Advertisement Or Writing :-

All advertisements and writings shall be made only at places earmarked by the Block Development and Panchayats Officer or Social Education and Panchayats Officer in rural areas and Executive Officer or Secretary of the Municipality or any other agency notified by the Government, as the case may be, in urban areas, on the payment of fee to be levied by the above authorities at such rates as may be prescribed.

3A. Penalty For Defacement Of Property :-

(1) Whoever defaces any property in public view except any board or wall provided for advertisement and publicity, 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 punishable with imprisonment for a term which may extend to six months or with fine which may extend to ten thousand rupees or with both:

Provided that sign boards fixed by any person, individual or institution on their own property or property occupied by them at their cost, shall be exempted from the provisions of sub-section (1):

Provided further that the owners or managers of the organizations making defacement of the properties for their business activities, shall be responsible for removing such defacement and the burden of proving their innocence for such defacement, shall rest on them.

(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, or a political party or its candidates, 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 emitted without his knowledge or consent, be deemed to be guilty of such offence.]

4. Offences To Be Cognizable And Compoundable :-

(1) Any offences punishable under this Act shall be cognizable and compoundable.

(2) All offences under this Act shall be compoundable by the

authorities mentioned in section 3 on payment of such composition fee which shall not be less than two hundred and fifty rupees or the amount equal to expenses incurred for the removing or erasing the defacement.

(3) On composition a person shall stand discharged or acquitted, as the case may be, and if he is in custody he shall be released forthwith.

(4) Sums paid by way of composition under this section shall be credited to local authority fund.]

5. Power Of Government To Remove Defacement :-

(1) Without prejudice to the provisions of section 3A, it shall be competent for the Government to take such steps as may be necessary for erasing any writing, freeing any defacement or removing any mark from any property. The Government shall have the power to conduct or cause to conduct, through the District Magistrate concerned. Spot inspections with regard to defacement of property. If on such inspections it is found that specific permission of the owner or occupier of the property has not been obtained, action for removal of property. If on such inspections it is found that specific permission of the owner or occupier of the property has not been obtained, action for removal of defacement shall be taken forthwith at the expense of the person or person found guilty. In case the Government, before doing so, does the erasing a notice of two weeks shall be given to owner or occupier of the property to erase or remove the defacement. The expenses of removing or erasing the defacement, shall be borne by the owner or occupier found guilty.

(2) Any amount due under this Act, on an application made in this behalf by the authorities mentioned in section 3, to the Collector, shall be recovered as arrears of land revenue.

5A. Protection Of Action Taken In Good Faith :-

No suit, prosecution or other legal proceedings shall lie against 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.]

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 time being in force.

6A. Power Of Government To Make Rules :-

The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.]

Footnotes:

1. Inserted by Act 10 of 1996. For Objects and Reasons see Haryana Government Gazette (Extraordinary) dated the 14th February, 1996, Page
2. Sub. By Haryana Act 10 of 1996.
3. Substituted by Haryana Act 10 of 1996.
4. Substituted by Haryana Act 10 of 1996.
5. Inserted by Haryana Act 10 of 1996.