

Delhi Prevention Of Defacement Of Property Act, 2007

[Act No. 01 Of 2009]

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An Act to provide for the prevention of defacement of properties and for matters connected therewith or incidental thereto in the National Capital Territory of Delhi.

Delhi Prevention Of Defacement Of Property Act, 2007

[Act No. 01 Of 2009]

[17th January, 2009]

Be it enacted by the Legislative Assembly of the National Capital Territory of Delhi in the Fifty-ninth Year of the Republic of India as follows:-

1 - Short title, extent and commencement.

(1) This Act may be called the Delhi Prevention of Defacement of Property Act, 2007.

(2) It extends to the whole of the National Capital Territory of Delhi.

(3) It shall come into force on such date as the Lieutenant Governor of the National Capital Territory of Delhi may, by notification in the Official Gazette, appoint.

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;

(b) "Lieutenant Governor" means the Lieutenant Governor of the National Capital Territory of Delhi appointed by the President under article 239 and designated as such under article 239AA of the Constitution;

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

(d) "writing" includes printing, painting, decoration, lettering, ornamentation etc., produced by stencil.

3 - Penalty for defacement of property.

(1) Whoever 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 punishable with imprisonment for a term which may extend to one year, or with fine which may extend to fifty 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 persons 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.

(3) The aforesaid penalties will be without prejudice to the provisions of section 425 and section 434 of the Indian Penal Code, 1860 (45 of 1860) and the provisions of the relevant Municipal Acts.

4 - Composition of offences.

(1) Any offence of defacement whether committed before or after the commencement of this Act punishable under section 3, may either before or after the institution of the prosecution, be compounded by such officers or authorities and for such amount as the Government may, by notification in the official Gazette, specify in this behalf.

(2) Where an offence has been compounded under sub-section (1), the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of such offence.

5 - Offence to be cognizable.

An offence punishable under this Act shall be cognizable.

6 - Power of the lieutenant Governor to erase writing, etc.

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

7 - Act to override other laws.

The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other laws for the time being in force:

Provided that the provisions of this Act shall not be applicable to advertisements displayed at duly authorized public spaces for advertising by appropriate authorities.

8 - Repeal and savings.

On the day on which the Delhi Prevention of Defacement of Property Act, 2007 comes into force, the West Bengal Prevention of Defacement of Property Act, 1976 (Bengal Act No. 21 of 1976) as extended to the National Capital Territory of Delhi shall cease to have effect except in respect of things done or omitted to be done before the commencement of this Act."