

In pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of The Uttaranchal Prevention of Defacement of Public Property Act, 2003 (Uttaranchal Adhiniyam Sankhya 30 of 2003).

As passed by the Uttaranchal Legislative Assembly and assented to by the Governor on 16 January, 2004.

No. 502/Vidhayee and Sansadiya Karya/2003

Dated Dehradun, January 19, 2004

NOTIFICATION

Miscellaneous

THE UTTARANCHAL PREVENTION OF DEFACEMENT OF PUBLIC PROPERTY ACT, 2003

(UTTARANCHAL ACT No. 30 OF 2003)

To provide for the Prevention of the Defacement of Public Property in the State of Uttaranchal

AN

ACT

WHEREAS, it is expedient in the public interest to provide for the prevention of defacement of Public Property and for matters connected therewith or incidental thereto;

IT IS HEREBY, enacted in the Fifty-fourth Year of the Republic of India by the Assembly of Uttaranchal as follows :--

1. (1) This Act may be called The Uttaranchal Prevention of Defacement of Public Property Act, 2003.

Short title,
Extent and
Commencement

(2) It extends to the whole of State of Uttaranchal.

(3) It shall come into force on such date as the State Government may by Notification, in the Gazette appoint.

2. In this Act, unless the context otherwise requires--

Definitions

(a) "District Magistrate" means District Magistrate of the respective districts of the State of Uttaranchal.

(aa) "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) "Public Property" includes any building, hut, structure, wall, tree, fence, post, pole or any other erection;

(c) "Writing" includes decoration, lettering, ornamentation etc.

3. (1) Whoever, defaces any property in public view by writing or marking with ink, chalk, paint or any other material including pasting of posters 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 ten thousand rupees or with both.

Penalty for
defacement of
Public Property

(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 of any other office 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.

Offence to be cognizable

4. An offence punishable under this Act shall be cognizable.

Power of District Magistrate to erase writing, etc.

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

Power to make rules

6. The State Government may by notification in the Gazette make rules or carrying out the purpose of this Act, including any rules prescribing fees in respect of any proceeding under this Act.

Act to override other laws

7. The provisions of the Act shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force.

By Order,
BHAROSI LAL,
Secretary.