

**LAW (LEGISLATIVE DRAFTING) DEPARTMENT
(GROUP- II)**

NOTIFICATION

Jaipur, May 3,2006

No. F.2(7) Vidhi/2/2006. In pursuance of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to authorise the publication in the Rajasthan Gazette of the following translation in the English language of the Rajasthan Sampatti Viroopan Nivaran Adhiniyam 2006 (2006 ka Adhiniyam Sankhyaak 13) :-

(Authorized English Translation)

**THE RAJASTHAN PREVENTION OF DEFACEMENT OF
PROPERTY ACT, 2006**

(Act No.13 of 2006)

(Received the assent of the President on the 25th day of April, 2006)

*An
Act*

to provide for the prevention of defacement of property and for matters connected therewith or incidental thereto.

Be it enacted by the Rajasthan State Legislature in the Fifty-seventh year of the Republic of India, as follows:-

1. Short title, extent and commencement.- (1) This Act may be called the Rajasthan Prevention of Defacement of Property Act, 2006.

(2) It shall extend to the municipal areas of the State of Rajasthan

(3) It shall be deemed to have come into force on and from 17th January,2006.

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 way whatsoever and the word "deface" shall be construed accordingly.
- (b) "municipal area" and "municipality" shall have the same meanings as assigned to them in the Rajasthan Municipalities Act, 1959 (Act No.38 of 1959);

- (c) "property" includes any building, hut, monument, statue, water pipe line, public road, structure, wall including compound wall, tree, fence, post, pole or any other erection as may be identified by the State Government from time to time.
- (d) "public place" means any place (including a road, street or way whether with rough fare or not and a landing place) to which they are granted access or have a right to over they have a right to pass;
- (e) "public view" means anything which is visible to public while they are in or passing along any public place; and
- (f) "writing" includes decoration, lettering, ornamentation. etc., produced by stencil.

3. Penalty for defacement of property: - (1) Whoever defaces any property in public view by defacing or spitting or urinating or pasting pamphlets, posters etc, 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, in case of first offence, with imprisonment for a term which may extend to one month or with fine which shall not be less than one hundred rupees but which may extend to one thousand rupees or with both, and in case of each subsequent offence, with imprisonment for a term which may extend to one month or with fine which shall not be less than two hundred rupees but which may extend to two 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, unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.

4. Punishment for attempt to commit offence.- whoever attempts to commit any offence punishable under this Act or causes 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.

5. Punishment for abettor. - Any person who by the supply of or solicitation for money, the providing of premises, the supply of materials or in any manner whatsoever, procures, counsels, aids, abets or is accessory to the commission of any offence under this Act shall be punished with the punishment provided for the offence.

6. Offence to be cognizable. - An offence punishable under this Act shall be cognizable.

7. Power to erase writing etc.- Without prejudice to the provisions of section 3, it shall be competent for the municipality or any officer authorized by it in this behalf, to take such steps as may be necessary for erasing any writing, freeing any defacement or removing any mark from any property.

8. Power to compound offence- It shall be competent for the municipality or any officer authorised by it in this behalf to withdraw any prosecution or to compound any offence committed under this Act on such terms and conditions as may be prescribed.

9. Indemnity.- 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.

10. 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.

11. Power to make rules.- (1) The State Government may, by notification in the Official Gazette, make rules for the purpose of carrying into effect the provisions of this Act.

(2) All rules made under this Act shall be laid, as soon as may be, after they are so made, before the House of the State Legislature, while it is in session for a period of not less than fourteen days which may be comprised in one session or in two successive sessions and if, before the expiry of the session in which they are so laid or of the session immediately following, the House of the State Legislature makes any modification in any of such rules or resolves that any such rule should not be made, such rule shall, thereafter, have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of any thing previously done thereunder.

12. Repeal and savings.- (1) The Rajasthan Prevention of Defacement of Property Ordinance, 2006 (Ordinance No. 2 of 2006 is hereby repealed).

(2) Notwithstanding such repeal, all things done, actions taken or orders made under the said Ordinance shall be deemed to have been done, taken or made under this act.

गुमान सिंह

Secretary to the Government.