

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
(DEPARTMENT OF LAW, JUSTICE & LEGISLATIVE AFFAIRS)
8th LEVEL, C-WING, DELHI SECRETARIAT, NEW DELHI

No. F 14(28)/ LA-2006/LC LAW/42-51

Dated the 29th January, 2009

NOTIFICATION

F.14(28)/LA. The following Act of the Legislative Assembly of the National Capital Territory of Delhi received the assent of the President of India on the 17th, January 2009 and is hereby published for general information :-

“ The Delhi Prevention of Defacement of Property Act, 2007 “

(Delhi Act 1 of 2009)

(As passed by the Legislative Assembly of the National Capital Territory of Delhi on 31st March 2008)

(17th January, 2009)

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.

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) When any offence is 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 connected with the management thereof, as the case maybe, shall, unless he proves 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 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 authorised 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 case of things done or omitted to be done before the commencement of this Act.

(Sd Savita Rao)

Joint Secretary (Law)

DEPARTMENT OF URBAN DEVELOPMENT

NOTIFICATIONS

Delhi, the 24th February, 2009

F.No.18(A)/43/2000/UD/Pt.F.-1/3371.

In exercise of the powers conferred by sub-section (3) of section 1 of the Delhi Prevention of Defacement of Property Act, 2007 (Delhi Act 1 of 2009), the Lt Governor of the National Capital Territory of Delhi is pleased to appoint the 1st day of March, 2009 as the date on which the said Act shall come into force.

Explanations by Col Shivraj (Convenor POSTER HATAO).

(Mob : 9810433842, email: colshivraj@gmail.com).

1. Defacement is basically of four types as under:-

- (a) Posters
- (b) Writings on the wall
- (c) Banners
- (d) Hoardings / Digital Banners / Flexies .

2. Property includes any property (Govt or Private, Stationary or Moving) in public view like buildings, huts, structures, walls, poles / posts, trees, roof tops or any other erection, trains and vehicles.

3. Owner, President, Director, Partner, Agent or any other officer responsible with the management thereof shall be guilty of the defacement.

4. Posters, Banners and Writings on the Wall are totally banned.

Hoardings / Digital Banners / Flexies are allowed only at the specified places after taking the due written permission from the civic agency. All other Hoardings / Digital Banners / Flexies are illegal under this Act.

The burden of proving that he has the written permission referred to in the Act shall be on the offender.

5. The Offence is cognizable. This means that the Defacement itself is a witness and no other witness is required.

6. The offence is criminal. Hence the Head of the organisation shall be formally arrested and brought to the Police Station. He / she may be released on bail.