

**THE PUDUCHERRY OPEN PLACES (PREVENTION OF DISFIGUREMENT)
ACT, 2000**

(Act No. 6 of 2000)

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**THE PUDUCHERRY OPEN PLACES (PREVENTION OF DISFIGUREMENT)
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(20-12-2000)

AN
ACT

to prevent disfigurement by objectionable or unauthorized advertisements of places open to public view in the Union territory of Puducherry.

Whereas it is expedient of prevent disfigurement by objectionable or unauthorised advertisements of places open to public view in the Union territory of Puducherry.

BE it enacted by the Legislative Assembly of Puducherry in the Fifty-first Year of the Republic of India as follows: -

Short title, extent and commencement

1. (1) This Act may be called the Puducherry Open Places (Prevention of Disfigurement) Act, 2000.

(2) It extends to the whole of the Union territory of Puducherry.

+ (3) It shall come into force at once.

Definitions

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

(a) "advertisement" includes an effigy or any bill, notice, document, paper or other thing containing any words, signs or visible representations;

(b) "defacement" includes impairing or interfering with the appearance of beauty, damaging, disfiguring, spoiling or injuring in any other way whatsoever and the word "deface" shall be construed accordingly;

(c) "Government" means the Administrator of the Union territory of Puducherry appointed by the President under article 239 of the Constitution;

(d) "objectionable advertisement" means any advertisement which is likely to -

- (i) incite any person to commit murder, sabotage or any offence involving violence; or
- (ii) seduce any member of any of the armed forces of the Union or of the police forces from his allegiance or his duty, or prejudice the recruiting of persons to serve in any such force or prejudice the discipline of any such force; or
- (iii) incite any section of the citizens of India to acts of violence against any other section of the citizens of India; or which—
- (iv) is deliberately intended to outrage the religious feelings of any class of the citizens of India by insulting or blaspheming or profaning the religion or the religious beliefs of that class; or
- (v) is grossly indecent, or is scurrilous or obscene or intended for blackmail.

Explanation. – An advertisement shall not be deemed to be objectionable merely because words or signs or visible representations are used –

(1) expressing disapprobation or criticism of any law or of any policy or administrative action of the Government with a view to obtain its alteration or redress by lawful means;

(2) criticising any social or religious practices without malicious intention and with an honest view to promote social or religious reform or social justice;

(e) "place open to public view" includes any private place or building, monument, statue, post, wall, fence, tree or other thing or contrivance visible to a person being in, or passing along, any public place;

(f) "public place" means any place (including a road, street or way, whether a thoroughfare or not and a landing place) to which the public are granted access or have a right to resort, or over which they have a right to pass.

No person to affix to or inscribe or exhibit on any place open to public view any objectionable advertisement, etc.

3. On and from the commencement of this Act, no person shall affix to, or inscribe or exhibit on, any place open to public view, —

- (i) any objectionable advertisement; or
- (ii) any advertisement without the written consent of the owner or occupier or person in the management of the property in which such place is situated.

Government to specify by notification any area where no person shall deface any place open to public view

4. Notwithstanding anything contained in this Act, or any other law for the time being in force, the Government may, if satisfied, that it is necessary or expedient so to do for purpose of preventing defacement, by notification in the official gazette, direct that from such date and in such area as may be specified in the notification, no person shall deface any place open to 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 and for such other purposes, as may be specified in the said notification.

Penalty for disfigurement by objectionable advertisements

5. Whoever affixes to, or inscribes or exhibits on, any place open to public view any objectionable advertisement shall be punished with imprisonment of either description for a term which may extend to one year or with fine which may extend to one thousand rupees or with both.

Penalty for unauthorised disfigurement by advertisements

6. Whoever affixes to, or inscribes or exhibits on, any place open to public view any advertisement without the written consent of the owner or occupier or person in management of the property in which such place is situated shall be punished with imprisonment of either description for a term which may extend to three months or with fine which may extend to two hundred rupees, or with both.

Penalty for contravention of notification issued under section 4

7. Whoever defaces any place open to public view in contravention of the notification issued under section 4 shall be punishable for a term which may extend to six months or with fine which may extend to one thousand rupees, or with both.

Punishment of abettors

8. Whoever in any manner whatsoever causes, procures, counsels, aids, abets or is accessory to, the commission of any offence under section 3, section 4 or section 5, shall be punished with the punishment provided for the offence.

Burden of proof in certain cases

9. Where a person is prosecuted for committing an offence under section 6, the burden of proving that he has the written consent referred to in that section shall be on him.

Offences by companies

10. (1) Where an offence has been committed by a company, every person who, at the time when the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence, and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any gross negligence on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer of the company, shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.— For the purpose of this section —

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director" in relation to a firm, means a partner in the firm.

Offences under the Act to be cognizable

11. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence punishable under this Act shall be deemed to be a cognizable offence within the meaning of that Code.

Indemnity

12. No suit, prosecution or other legal proceeding shall lie against the Government, any local authority or person for anything which is in good faith done or intended to be done under this Act.

Power of Government to erase writing, etc.,

13. (1) The Government or any officer authorised in this behalf may, by notice require the owner or the person having control over any place open to public view, to erase any writing, free any defacement or remove any mark from such place within such time as may be specified in such notice.

(2) If such erasing, freeing or, as the case may be removing is not carried out within the time specified in the notice given under sub-section (1), the Government or such authorised officer may cause such erasing, freeing or removing to be done and the expenses incurred shall be paid by the owner or such other person and in default of such payment, such expenses shall be recovered from such owner or such other person as if they were arrears of land revenue.

Other laws not affected

14. The provisions of this Act, are in addition to, and not in derogation of, the provisions of any other law for the time being in force.

Power to make rules

15. (1) The Government may, by notification, make rules to carry out the provisions of this Act.

(2) All rules made and all notifications issued under this Act, shall, as soon as possible after they are made or issued, be placed on the Table of the Legislative Assembly of the Union Territory and shall be subject to such modification by way of amendment or repeal as the Legislative Assembly may make within fourteen days on which the House actually sits either in the same session or in more than one session:

Provided however that any modification or annulment shall not affect the validity of anything already done and acted upon under such rules and notifications.

STATEMENT OF OBJECTS AND REASONS FOR ACT NO.6 OF 2000

Disfigurement and defacement of places open to public view have of late taken menacing proportions. Besides causing nuisance they also spoil decent surroundings and beauty of such places. Some State Governments and Union Territories have enacted legislations to prevent defacement of properties. The Central Government and the Election Commission of India have impressed on this Administration, the need for such an enactment in this Union Territory to combat the growing menace of defacement of places open to public view by indiscriminate writing and pasting of posters. It is therefore necessary to bring about a legislation to prevent defacement of open places.

It is proposed to prohibit generally any objectionable advertisement or any advertisement without the written consent of the owner or occupier on any place open to public view. Power is also proposed to be vested in the Government to prohibit any defacement of public place in any area. The offences under the legislation are cognizable.

The Bill seeks to achieve the above objects.
