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Tripura Act No. 14 of 1976

*THE TRIPURA PREVENTION OF
DEFACEMENT OF PROPERTY
ACT, 1976*

Tripura Act No. 14 of 1976

**THE TRIPURA PREVENTION OF DEFACEMENT OF
PROPERTY ACT, 1976**

**An
Act**

to provide for the prevention of defacement of property.

Where it is expedient in the public interest to provide for the prevention of defacement of property and matters connected therewith or incidental thereto.

It is hereby enacted in the Twenty-seventh Year of the Republic of India, by the Legislature of Tripura, as follows :-

**Short title,
extent and
application.**

1. (1) This Act may be called the Tripura Prevention of Defacement of Property Act, 1976.

(2) It extends to the whole of Tripura.

(3) It shall apply in the first instance to Municipal limits of Agartala town, but the State Government may, from time to time by notification in the Official Gazette, apply it to such other local area or areas as may be specified in the notification.

Definitions.

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

(c) "writing" includes decoration, lettering, ornamentation, etc., produced by stencil.

3. (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 six months or with fine which may extend to one thousand rupees or with both.

Penalty for defacement of 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 or any other officer 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.

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

Offence to be cognizable.

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

Power of State Government to erase writing, etc.

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

Act to override other laws.

THE TRIPURA ACT NO. 2 OF 2007.

**THE TRIPURA PREVENTION OF
DEFACEMENT OF PROPERTY
(AMENDMENT) ACT, 1998.**

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**Government of Tripura
Law Department**

No.F.9(16)-Law/Leg/1997.

Dated, Agartala the, 6th February, 2007.

The following Act of the Tripura Legislative Assembly received the assent of the Governor on 03-02-2007 and is hereby published for general information.

S. C. Das
Law Secretary,
Government of Tripura.

THE TRIPURA ACT NO 2 OF 2007

THE TRIPURA PREVENTION OF DEFACEMENT OF PROPERTY
(AMENDMENT) ACT, 1998

AN

ACT

to amend the Tripura Prevention of Defacement of Property Act, 1976.

Be it enacted by the Tripura Legislative Assembly in the forty-ninth year of the Republic of India as follows :—

1. (1) This Act may be called the Tripura Prevention of Defacement of Property (Amendment) Act, 1998.

(2) It extends to the whole of Tripura.

(3) It shall come into force at once.

Amendment of
Section 1.

2. Sub-section (3) of Section 1 of the Tripura Prevention of Defacement of Property Act, 1976 (hereinafter referred to as the principal Act) shall be deleted.

Amendment of
Section 2.

3. For Section 2 of the principal Act, the following Section shall be substituted, namely :—

"2. Definitions ; In this Act, unless the context otherwise requires—

(a) 'Beautification' includes the qualities that arouse aesthetic pleasure or make a thing good looking and also includes painting, writing, hoarding and construction work having educational and cultural value excluding and political messages.

(b) 'Private property' includes any lands, road, building, hut structure, wall, tree, fence, post, pole or any other erection, owned or hired by any private individual solely or jointly, private bodies, organisations, companies ; officers or institutions.

(c) 'Public property' includes any land, road, building, hut structure, wall, tree, fence, post, pole or any other erection owned or hired by the Government, Government Undertakings or Autonomous bodies.

(d) 'Sub-Divisional Officer' means Sub-Divisional Officer of a Revenue Sub-Division under District Administration."

Amendment of
Section 3.

4. In Section 3 of the principal Act—

- (a) In sub-section (1), the word 'public' shall be inserted before the word 'Property' wherever it occurs.
- (b) After sub-section (1), the following provisos shall be inserted namely :—

Provided that—

- (i) the work done by any Government Department or owner or occupier of the public property as a part of beautification or for advertisement or to welcome dignitaries will not be construed as defacement ;
- (ii) putting flags over small pieces of bamboo, hanging of festoons and flags by the side of public road as a part of publicity or propaganda during election or for organising conference, seminars, meetings etc. by political parties or private organisations, shall not be construed as defacement if such Act (s) do not create any public annoyance or obstruction ;
- (iii) for raising any temporary gate or hanging of festoons or flags on or across the public road prior permission from the concerned Sub-Divisional Officer shall be obtained subject to the condition that raising of such structure does not create any public annoyance or obstruction ;
- (iv) the concerned Government Department or owner or occupier of the public property or candidate or private organisation or political party shall ensure removal, demolition or erasing of any or all the Acts stated in the preceding provisos at its own cost within 7 (seven) days of completion of the conference, meeting, seminar, election as the case may be.
- (c) "After the provisos to sub-section (1), the following sub-section shall be inserted, namely :—
- '(1A) Whoever defaces any private property in public view by writing or marking with ink, chalk, paint or any other materials without obtaining prior written permission from the owner or occupier of such private property, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to Rs. 1000/- or with both".

Amendment of
Section 5

5. For Section 5 of the Principal Act, the following Section shall be substituted, namely : —

"5. Without prejudice to the provisions of Section 3, Sub-Divisional Officer of the respective Sub-Division or any other officer authorised by the State Government shall be competent to take such steps as may be necessary for erasing any writing freeing any defacement or removing any mark from any property or to demolish or remove temporary gates, structure, poles, flags festoons at the cost of the concerned person, party or organisation."

Insertion of
New Section 7.

6. After Section 6 of the Principal Act, the following Section shall be inserted, namely : —

"7. Power to make rules :—

The State Government may, if necessary, make rules by notifications published in the Tripura Gazette, for carrying out the purposes of the Act".

Repeal &
Savings.

7. (1) The Tripura Prevention of Defacement of Property Ordinance, 1998 is hereby repealed.
- (2) Notwithstanding such repeal anything done, any order issued or passed, any action taken under the said Ordinance, shall be deemed respectively to have been done, issued, passed or taken under the corresponding provisions of this act.

S. C. Das
Law Secretary,
Government of Tripura.

The Tripura Act No. 5 of 2007.

**THE TRIPURA PREVENTION OF DEFACEMENT OF PROPERTY
(Second Amendment) ACT, 2007.**

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Government of Tripura
Law Department

No.F.9(16)-Law/Leg/97.

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The following Act of the Tripura Legislative Assembly received the assent of the Governor on 29-03-2007 and is hereby published for general information.

S C Das
Law Secretary,
Government of Tripura