

**PREVENTION OF DEFACEMENT OF PROPERTY
ACT, 1987**

(Bihar Act 5 of 1987)

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**PREVENTION OF DEFACEMENT OF PROPERTY
ACT, 1987**

(Bihar Act 5 of 1987)

[14th April, 1987]

An Act to provide, in the public interest for the prevention of Defacement of property and for matters connected therewith or incidental thereto

Be it enacted in the thirty- eighth year of the Republic of India by the Legislature of Bihar as follows:-

1. **Short title, extent and commencement-** (1) This Act may be called the Bihar Prevention of Defacement of Property Act, 1987

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

(3) It shall come into force at once.

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

(a) "Defacement" includes impairing or interfering with the appearance or beauty or damaging, disfiguring, spoiling or injuring in any other way whatsoever:

(b) "Property" includes any building, structure, wall, tree, fence, post or any other erection;

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

3. **Penalty for defacement of property-** (1) Anybody, who deface 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 deemed to have committed an offence under this Act and shall be punishable with imprisonment for term which may be extended to six months or with fine, which may extend to one 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 body corporate or an association of persons (whether incorporated or not), then such other person or President, Chairman, Director, Partner, Manager, Secretary, agent or any other officer or person concerned 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.

(3) The owner or the occupier of a private property, after giving written consent, may permit, any person or persons, contesting an election, to which the Representation of The People Act, 1951 is applicable, either as an independent candidate or on the symbol of a recognized political party, to use his private property for the purpose of election campaign during the period notified by the Election Commission for the completion of the process of that election.

For the purpose of this sub- section private property means property which is owned or in lawful possession of a person or persons and is not used for any public purposes whatsoever.

(Amendment in section-3 of the Act, Jharkhand Act,5, 1987- The new sub-section by Jharkhand Prevention of Defacement of Property (Amendment) Act 2014 w.e.f notification dated 20.10.2014)

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

5. **Power of State Government to erase writing etc.-** Without prejudice to provisions of Section 3, the State Government shall be competent to take such steps, as may be necessary, for erasing any writing removing any defacement, removing any mark from any property.

6. **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.