




LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

The Goa Prevention of Defacement of Property (Second Amendment) Bill, 2001

(Bill No. 65 of 2001)


**(To be introduced in the Legislative Assembly of the
State of Goa)**

**GOA LEGISLATURE SECRETARIAT
ASSEMBLY HALL, PORVORIM, GOA
JULY, 2001**

The Goa Prevention of Defacement of Property.
(Second Amendment)
Bill, 2001

(Bill No. 65 of 2001)

A

BILL

further to amend the Goa Prevention of Defacement of Property Act, 1988.

Be it enacted by the Legislative Assembly of Goa in the Fifty-second Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Prevention of Defacement of Property (Second Amendment) Act, 2001.

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 3.*— In sub-section (1) of section 3 of the Goa Prevention of Defacement of Property Act, 1988 (Goa Act No.5 of 1990),—

(i) for the words " one thousand rupees", the words "five thousand rupees" shall be substituted;

(ii) for the existing proviso, the following shall be substituted, namely:—

"Provided that in the interest of tourism and economic activities of the State of Goa, the

Collector or any other authority authorized by the Government in this behalf, may, allow displaying of any board or hoarding at any public place and, for activities necessitating digging of a public road, allow such digging, on such terms and conditions and at such rates as may be notified by the Government by notification from time to time."

Statement of Objects and Reasons

It has been noticed that the public roads in urban as well as rural areas are being defaced by digging by various authorities on various pretexts and thereafter kept unattended. In heavily populated areas, such unattended, damaged roads cause traffic hazards and danger to human life and property. It has been revealed that the authorities who damage the roads, specially in municipal areas, are very negligent in repairing the damaged roads.

It is, therefore, proposed to suitably amend sub-section (1) of section 3 of the Act, 1988, so as to increase the fine from existing one thousand rupees to five thousand rupees and also substitute existing proviso to said sub-section (1) of section 3, by new proviso so as to empower the Collector or any other authority authorized by the Government in this behalf to allow digging of a public road on such terms and conditions and at such rates as may be notified by the Government from time to time.

This Bill seeks to achieve the above objects.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

The proposed amendment to proviso to sub-section (1) of section 3 of the Goa Prevention of Defacement of Property Act, 1988, empowers the Government to notify the terms and conditions and also rates governing the activities of digging of public road. The said amendment also empowers the Collector or any other authority authorized by the Government in this behalf to allow such digging on said terms and conditions and at said rates.

These delegations are of normal character.

Panaji Goa
18th July, 2001.

DIGAMBAR KAMAT
Minister for Urban Development

Assembly Hall,
Porvorim, Goa
18th July, 2001.

R. KOTHANDARAMAN
Secretary to the Legislative
Assembly of Goa.

ANNEXURE

The Goa Prevention of Defacement of Property (Second Amendment) Bill, 2001

The Goa Prevention of Defacement of Property
Act, 1988

(Goa Act No. 5 of 1990)

Section 3— *Penalty for defacement of property.*— (1) Whoever defaces any property in public view by defacing or spitting or urinating or pasting pamphlets, posters 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 with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

Provided that in the interest of tourism and economic activities of the State of Goa, the Collector may allow displaying of any board or hoarding at any public place on such terms and conditions and at such rates as may be notified by the Government by notification from time to time.

(2) Where any offence committed under sub-section (1) is for the benefit of some other persons or a company or other body corporate or an association of persons (whether incorporated or not) then, such other persons and every president, chairman, director, partner, manager, secretary, agent or any other officer or persons 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.

Assembly Hall,
Porvorim, Goa
18th July, 2001.

R. KOTHANDARAMAN
Secretary to the Legislative
Assembly of Goa.