THE PREVENTION OF DAMAGE TO PUBLIC PROPERTY ACT, 1984

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title, extent and commencement.
2. Definitions.
3. Mischief causing damage to public property.
4. Mischief causing damage to public property by fire or explosive substance.
5. Special provisions regarding bail.
6. Saving.
7. Repeal and saving.

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THE PREVENTION OF DAMAGE TO PUBLIC PROPERTY ACT, 1984

ACT NO. 3 OF 1984

[16*th March*, 1984.]

An Act to provide for prevention of damage to public property and for matters connected therewith.

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

1. Short title, extent and commencement.—(*1*) This Act may be called the Prevention of Damage to Public Property Act, 1984.

(*2*) It extends to the whole of India [1]***.

(*3*) It shall be deemed to have come into force on the 28th day of January, 1984.

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

(*a*) "mischief" shall have the same meaning as in section 425 of the Indian Penal Code (45 of 1860);

(*b*) "public property" means any property, whether immovable or movable (including any machinery) which is owned by, or in the possession of, or under the control of—

(*i*) the Central Government; or

(*ii*) any State Government; or

(*iii*) any local authority; or

(*iv*) any corporation established by, or under, a Central, Provincial or State Act; or

(*v*) any company as defined in section 617 of the Companies Act, 1956 (1 of 1956); or

(*vi*) any institution, concern or undertaking which the Central Government may, by notification in the Official Gazette, specify in this behalf:

Provided that the Central Government shall not specify any institution, concern or undertaking under this sub-clause unless such institution, concern or undertaking is financed wholly or substantially by funds provided directly or indirectly by the Central Government or by one or more State Governments, or partly by the Central Government and partly by one or more State Governments.

3. Mischief causing damage to public property.—(*1*) Whoever commits mischief by doing any act in respect of any public property, other than public property of the nature referred to in sub-section (*2*), shall be punished with imprisonment for a term which may extend to five years and with fine.

(*2*) Whoever commits mischief by doing any act in respect of any public property being—

(*a*) any building, installation or other property used in connection with the production, distribution or supply of water, light, power or energy;

(*b*) any oil installations;

(*c*) any sewage works;

(*d*) any mine or factory;

(*e*) any means of public transportation or of tele-communications, or any building, installation or other property used in connection therewith,

shall be punished with rigorous imprisonment for a term which shall not be less than six months, but which may extend to five years and with fine:

Provided that the court may, for reasons to be recorded in its judgment, award a sentence of imprisonment for a term of less than six months.

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1. The words "except the State of Jammu and Kashmir" omitted by Act 34 of 2019, s. 95 and the Fifth Schedule (w.e.f. 31-10-2019).

4. Mischief causing damage to public property by fire or explosive substance.—Whoever commits an offence under sub-section (*1*) or sub-section (*2*) of section 3 by fire or explosive substance shall be punished with regorous imprisonment for a term which shall not be less than one year, but which may extend to ten years and with fine:

Provided that the court may, for special reasons to be recorded in its judgment, award a sentence of imprisonment for a term of less than one year.

5. Special provisions regarding bail.—No person accused or convicted of an offence punishable under section 3 or section 4 shall, if in custody, be released on bail or on his own bond unless the prosecution has been given an opportunity to oppose the application for such release.

6. Saving.—The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force, and nothing contained in this Act shall exempt any person from any proceeding (whether by way of investigation or otherwise) which might apart from this Act, be instituted or taken against him.

7. Repeal and saving.—(*1*) The Prevention of Damage to Public Property Ordinance, 1984 (Ord. 3 of 1984), is hereby repealed.

(*2*) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

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