The Tamil Nadu Public Property (Prevention of Destruction and Loss) Act, 1982

Act 29 of 1982

Keyword(s):
Mischief, Political Party, Public Property

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TAMIL NADU ACT NO. 29 OF 1982.*

THE TAMIL NADU PUBLIC PROPERTY (PREVENTION OF DESTRUCTION AND LOSS) ACT, 1982.

[*Received the assent of the President on the 15th May 1982, first published in the* Tamil Nadu Government Gazette *Extraordinary, on the 18th May 1982 (Vaikasi 4, Thunthubi, Thiruvalluvar Aandu—2013).*]

An Act to provide for punishments for certain acts in respect of the public property and the public in the State of Tamil Nadu.

BE it enacted by the Legislature of the State of Tamil Nadu in the Thirty-third Year of the Republic of India as follows :—

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Public Property (Prevention of Destruction and Loss) Act, 1982.

(2) It shall come into force at once.

Punishment for committing mischief in respect of public property or machinery.

2. Whoever,—

(i) commits mischief by doing any act in respect of any public property whether movable or immovable or machinery and thereby causes loss or damage to the amount of one hundred rupees or upwards, or

(ii) commits mischief by doing any act which causes or which he knows to be likely to cause a diminution of the supply of water to the public or to any person for any purpose or an inundation of, or obstruction to, any public drainage, or

(iii) commits mischief by doing any act which renders any public road, bridge, navigable channel, natural or artificial impassable or less safe for travelling or conveying property, or

(iv) commits mischief by fire or any explosive substance intending to cause or knowing it to be likely that he will thereby cause damage to any public property whether movable or immovable or machinery to the amount of one hundred rupees or upwards

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

* For Statement of Objects and Reasons, see *Tamil Nadu Government Gazette* Extraordinary, dated the 19th February 1982, Part IV-Section 1, page 106.

Provided that the court may, for any adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than six months.

Explanation.—For the purposes of this section,—

(i) "mischief" shall have the same meaning as in section 425 of the Indian Penal Code (Central Act XLV of 1860);

(ii) "public property whether movable or immovable or machinery" means any property or machinery owned or controlled by,—

(*a*) the State Government; or

(*b*) any local authority; or

(*c*) the Tamil Nadu State Electricity Board; or

(*d*) any University in this State; or

(*e*) any co-operative society including a land development bank, registered or deemed to be registered under the Tamil Nadu Co-operative Societies Act, 1961 (Tamil Nadu Act 53 of 1961); or

(*f*) any corporate body constituted under any Act passed by the Legislature of this State; or

(*g*) any other corporation owned or controlled by the State Government.

Punishment for throwing stones, bricks etc., upon persons travelling in motor vehicles.

3. Whoever commits or instigates, incites or otherwise abets the act of throwing stones, bricks, soda-bottles or any other material whatsoever upon the persons travelling in any motor vehicle, shall be punishable with 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 any adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than six months.

Explanation.—For the purposes of this section "motor vehicle" shall have the same meaning as in clause (18) of section 2 of the Motor Vehicles Act, 1939 (Central Act IV of 1939).

Special provision regarding bail.

4. No person accused or convicted of an offence punishable under section 2 or section 3 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.

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Order to pay compensation.

5. (1) When imposing a sentence of fine for an offence under this Act, the court may when passing judgment, order the whole or any part of the fine recovered to be applied—

(*a*) in defraying expenses properly incurred in the prosecution ;

(*b*) in the payment to any person of compensation for any loss or injury caused by the offence ;

(*c*) in replacing or, as the case may be, restoring to the previous state, the public property or machinery including any public road, bridge, navigable channel, natural or artificial.

(2) If the fine is imposed in a case which is subject to appeal, no such payment shall be made before the period allowed for presenting the appeal has elapsed, or, if an appeal be presented, before the decision of the appeal.

(3) An order under this section may also be made by an Appellate Court or by the High Court or Court of Session when exercising its powers of revision.

(4) At the time of awarding compensation in any subsequent civil suit relating to the same matter, the court shall take into account any sum paid or recovered as compensation under this section.

Power to try offences.

6. No court inferior to that of a Chief Metropolitan Magistrate or a Chief Judicial Magistrate shall try any offence punishable under this Act.

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

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