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PART - V

Bills introduced in the Gujarat Legislative Assembly.

The following Bill Which Was introduced on the 17th July, 2014 by
Shri Bhushan Bhatt M. L. A. is published under rule 127A of the Gujarat
Legislative Assembly Rules for general information:-

THE GUJARAT PREVENTION OF DAMAGE AND LOSS TO PUBLIC PROPERTY BILL, 2014

GUJARAT BILL NO. 16 OF 2014.

A BILL

*to provide for punishment and compensation for damage and loss caused to
public property in the State of Gujarat and matters connected therewith.*

It is hereby enacted in the Sixty-Fifth Year of the Republic of India as
follows :-

1. (1) This Act may be called the Gujarat Prevention of Damage and
Loss to Public Property Act, 2014.
- (2) It shall extend to the whole of the State of Gujarat.

**Short title
and extent.**

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

- (i) "Government" means the State Government;
- (ii) "property" means any movable or immovable property under the control of -
 - (a) The Central Government;
 - (b) The State Government;
 - (c) The local authority;
 - (d) Statutory Board or Corporation of the State Government;
 - (e) Statutory Universities in the State.

and also includes bus stands, milestones, road signs and compound walls of the aforementioned property.

Punishment for committing mischief in respect of property.**3. Whoever -**

- (i) commits any mischief by doing any act, in respect of any property and hereby causes damage or loss to such property;
- (ii) commits mischief by doing any act which causes diminution of water supply to public or obstruction to any public drainage;
- (iii) commits mischief by doing any act which renders any public road, bridge, impassable or unsafe for travelling;

shall be punished with imprisonment for a term not exceeding six months and with a fine upto rupees twenty thousand.

Mischief causing damage to property.

4. Whoever commits mischief by fire or any explosive substance knowing that it will thereby cause damage to any property shall be punished with imprisonment not exceeding one year and with fine which may extend upto rupees twenty thousand.

Punishment for throwing stones bricks etc. on motor vehicles or persons travelling therein.

5. Whoever commits or abets the act of throwing stones, bricks, soda bottles upon persons travelling in motor vehicle shall be punished with imprisonment not exceeding one year and with a fine not exceeding rupees twenty thousand.

Release on bail.

6. No person accused of an offence punishable under this Act shall, if in custody, be released on bail unless the prosecution has been given opportunity to oppose the application.

Short title and extent.

7. All offences under this Act shall be tried by a Court of Chief Metropolitan Magistrate, and the Court may while imposing fine for an offence shall also take into consideration the portion of fine to be applied for the compensation to be paid to the victims.

Release on bail.

8. The State Government may make rules for carrying out all or any of the provisions of this Act.

Provision of Act.

9. The provisions of this Act shall be in addition to and not inderogation of any other law for the time being in force.

STATEMENT OF OBJECTS AND REASONS

Incidents of damage to public property are increasing day to day. Employees, students and public at large while protesting for their rights, sometime take law in their hand and leadership of organisation of such people also encourages unauthorized mean for demonstration. Ultimately the target is public property which suffers huge loss.

In order to provide for adequate punishment to culprits and also to compensate the persons or institute who has suffered a loss, it is considered necessary to enact a law.

Hence this Bill.

Gandhinagar.
Dated the 25th June 2014

BHUSHAN BHATT,
M.L.A

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative powers in the following respect: -

Clause 8.- This clause empowers the State Government to make rules for the purpose of carrying out all or any of the provisions of the Act.

The delegation of legislative power, as aforesaid, is necessary and is of a normal character.

Gandhinagar.
Dated the 25th June 2014

BHUSHAN BHATT
M. L. A

Gandhinagar.
Dated the 17th July, 2014

D. M. PATEL,
Secretary
Gujarat Legislative Assembly.