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# The Gujarat Government Gazette

## EXTRAORDINARY

### PUBLISHED BY AUTHORITY

Vol. LV]

THURSDAY, JULY 17, 2014/ASADHA 26, 1936

Separate paging is given to this Part in order that it may be filed as a Separate Compilation

#### 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.

**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.

**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 committing mischief in respect of property.****Mischief causing damage to property.****Punishment for throwing stones bricks etc. on motor vehicles or persons travelling therein.****Release on bail.****Short title and extent.****Release on bail.****Provision of Act.**

**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.**

**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.**

**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.**

**8. The State Government may make rules for carrying out all or any of the provisions of this 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 25<sup>th</sup> June 2014

**BHUSHAN BHATT**

M. L. A

Gandhinagar.

Dated the 17<sup>th</sup> July, 2014

**D. M. PATEL,**

Secretary

Gujarat Legislative Assembly.