

STATE ELECTION COMMISSION, HARYANA  
“NIRVACHAN SADAN”, PLOT NO.2, SECTOR-17  
PANCHKULA- 134 109

No.SEC/3E-II/2012/744-785

Dated: 03/04/2012

To

All the Deputy Commissioners-cum-  
District Election Officers (P & M)  
in the State of Haryana.

Subject: Implementation of the Haryana Prevention of Defacement of Property Act,  
1989 during the Municipal and Panchayat General/ Bye elections in the  
State of Haryana.

Sir/Madam,

I am directed to refer on the subject noted above and to say that the Haryana Prevention of Defacement of Property Act, 1989 is enforceable in the State of Haryana and therefore, the State Election Commission, Haryana has decided to implement the provisions mentioned under Section 3, 3-A , 4, 5, 5-A, 6 and 6-A of this Act during the Municipal and Panchayat General/ Bye elections in the State of Haryana in future. The said provisions of this Act are reproduced as under:-

Places earmarked for display of advertisement or writing      **3.** All advertisements and writings shall be made only at places earmarked by the Block Development and Panchayats Officer or Social Education and Panchayats Officer in rural areas and Executive Officer or Secretary of the Municipality or any other agency notified by the Government, as the case may be, in urban areas, on the payment of fee to be levied by the above authorities at such rates as may be prescribed.

Penalty for defacement of property      **3-A (1)** Whoever defaces any property in public view except any board or wall provided for advertisement and publicity, by writing or marking with ink, chalk, paint or any other material, 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 ten thousand rupees or with both:

Provided that sign boards fixed by any person, individual or institution on their own property or property occupied by them at their cost, shall be exempted from the provisions of sub-section (1):

Provided further that the owners or managers of the organizations making defacement of the properties for their business activities, shall be responsible for removing such defacement and the

burden of proving their innocence for such defacement, shall rest on them.

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

Offence to be cognizable and compoundable

- 4.** (1) Any offences punishable under this Act shall be cognizable and compoundable.
- (2) All offences under this Act shall be compoundable by the authorities mentioned in section 3 on payment of such composition fee which shall not be less than two hundred and fifty rupees or the amount equal to expenses incurred for the removing or erasing the defacement.
- (3) On composition a person shall stand discharged or acquitted, as the case may be, and if he is in custody he shall be released forthwith.
- (4) Sums paid by way of composition under this section shall be credited to local authority fund.

Power of Government to remove defacement

**5.** (1) Without prejudice to the provisions of section 3A, it shall be competent for the Government to take such steps as may be necessary for erasing any writing, freeing any defacement or removing any mark from any property. The Government shall have the power to conduct or cause to conduct, through the District Magistrate concerned, spot inspections with regard to defacement of property. If on such inspections it is found that specific permission of the owner or occupier of the property has not been obtained, action for removal of defacement shall be taken forthwith at the expense of the person or persons found guilty. In case the erasing is done by the Government, before doing so, a notice of two weeks shall be given to owner or occupier of the property to erase or remove the defacement. The expenses of removing or erasing the defacement, shall be borne by the owner or occupier found guilty.

(2) Any amount due under this Act, on an application made in this behalf by the authorities mentioned in section 3, to the Collector, shall be recovered as arrears of land revenue.

Protection of action taken in good faith

**5-A.** No suit, prosecution or other legal proceedings shall lie against any local authority or person for anything which is in good faith or in public interest done or intended to be done under this Act.

Act to override other laws

**6.** The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law for time being in force.

Power of  
Government  
to make rules

**6A.** The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

2. You are, therefore, requested to bring these provisions in the notice of all contesting candidates (at the time of elections), individuals, organizations, R.O.s/AROs, and all other election related authorities for information and compliance during the Municipal and Panchayati Raj Institutions General and Bye Elections.

3. Please acknowledge receipt of this letter.

Yours faithfully,

Sd/-

**(S.C.Mehta)**

**Secretary**

**State Election Commission, Haryana**

**Email: secy.sec@hry.nic.in**

Dated:- 03 /04/2012

Endst.No. SEC/3E-II/2012/786-800

A copy is forwarded to the following for information and necessary action:-

1. The Chief Secretary to Government, Haryana.
2. Financial Commissioner & Principal Secretary to Govt. Haryana, Development & Panchayats Department, Chandigarh.
3. Financial Commissioner & Principal Secretary to Govt. Haryana, Urban Local Bodies Department, Chandigarh
4. Director, Local Bodies, Haryana, Chandigarh
5. Director, Development & Panchayats, Haryana, Chandigarh
6. Director, Public Relation, Haryana, Chandigarh.
7. Sr. Account Officer, State Election Commission for hosting on the State Election Commission of website.
8. All recognized National and State parties.

Sd/-

**(S.C.Mehta)**

**Secretary**

**State Election Commission, Haryana**

**Email:secy.sec@hry.nic.in**