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PART V

Bills introduced in the Gujarat Legislative Assembly

The following Bill Which was introduced on the 25th February 2016

GUJARAT BILL NO. 12 OF 2016

THE GUJARAT PUBLIC PLACES (PREVENTION OF DISFIGUREMENT) BILL, 2016

A BILL

To prevent disfigurement by objectionable or unauthorized advertisement of places open to public view and to prevent pasting of posters in such places and on public transport vehicles in the State of Gujarat.

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

1. (1) This Act may be called the Gujarat Public Places (Prevention of Disfigurement) Act, 2016 **Short title and extent.**
- (2) It shall extend to the whole of the State of Gujarat.
2. In this Act, unless the context otherwise requires,- **Definitions.**
 - (i) "advertisement" includes any effigy or any bill, notice, document, Paper or other things in the visible presentation form;

- (ii) "motor vehicle" means any vehicle owned by the Government including buses used for road transport service by the State transport Corporation;
- (iii) "objectionable advertisement" means any advertisement which is likely to-
- (a) Incite any person to commit any offence including violence; or
 - (b) Incite any section of the citizen of India to acts of violence against any other section of the citizen of India; or which
 - (c) Outrage the religious feelings of any class of the citizens of India by insulting their religious beliefs deliberately; or
 - (d) Be indecent or obscene or intended to blackmail;
 - (e) Obstruct pedestrian traffic;

Explanation-An advertisement shall not be deemed to be objectionable merely because words or sign are used for criticism of any law or of any policy or administrative action of the Government with a view to obtain its alteration or redress by lawful means.

- (iv) "place open to public view" includes any private place or building, wall, fence, tree or other things visible to a person being in or passing along any public place;
- (v) "public place" means any place, road, street or way whether a thoroughfare or not to which the public are granted access or have a right to resort.

Penalty for disfigurement by objectionable advertisements. 3. Whoever affixes to or inscribes or exhibits on any place open to public view any objectionable advertisement or deface or disfigure any picture or writing done by authorised person shall be punished with imprisonment of either description for a term which may extend to ten year or with fine of not less than ten thousand rupees or with both.

4. (1) Whoever without previous permission of the traffic branch of the State Police Force in the State affixes to or inscribes or exhibits on any place open to public view any advertisement which obstructs the line of vision of a person driving or distract the attention of any pedestrian so as to cause road danger to such person shall be punished with imprisonment of either description for a term which may extend to one year or with fine of not less than of five thousand rupees which may extend to ten thousand rupees or with both.

Penalty for disfigurement by certain categories of unauthorized advertisements without permission.

(2) The traffic branch of State Police Force shall decide the location for granting permission to allow advertisement on moving traffic.

5. Any person aggrieved by any decision of the traffic branch of State Police Force under section 4, may appeal within thirty days to the Director General of Police and his decision as Appellant Authority shall be final.

Appeal.

6. Whoever affixes to or inscribes or exhibits on any place open to public view any advertisement without the written consent

Penalty for unauthorized

deface any milestone or Government signboard shall be punished with imprisonment for a period of three month or with fine which may extend to two thousand rupees or with both.

7. All offences punishable under this Act shall be tried in a Summary way.

Power to try offence summarily.

8. The provisions of this Act are in addition to and not in derogation of the provisions of any other law for the time being in force.

Provisions in addition to.

9. (1) The State Government may make rules for the purpose of carrying out the provisions of this Act.

Power to make rules.

(2) All rules made under this section shall be laid before the state legislature for thirty days as after they are made and shall be subject to such modification or recession as the state Government may make during the session in which they are so laid or the session immediately following.

STATEMENT OF OBJECTS AND REASONS

In the recent past, it is experienced that there is mushroom growth of disfigurement in public places by objectionable and unauthorized advertisement. This also huddle smooth traffic and also harms the pedestrians.

There are also increasing number of incidents of affixing posters and advertisements on bus-stops of public transport system in the State and also on motor vehicles owned and runned by State Transport Corporation. Some posters also contain indecent or obscene material.

Due to this undue hardship faced by traffic police and public at large, it is therefore considered necessary to enact a law to prevent disfigurement by objectionable or unauthorized advertisements at public places.

Hence this Bill.

GANDHINAGAR,
Dated the 1st February, 2016

PANKAJ MEHTA
M.L.A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

Clause 9 :- This clause empowers the State Government to make rules for the purpose of carrying out the provisions of the Act.

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

GANDHINAGAR,
Dated the 1st February, 2016

PANKAJ MEHTA
M.L.A.

Gandhinagar
Dated the 25th February, 2016

D. M. PATEL
Secretary,
Gujarat Legislative Assembly