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Defacement of Public Property: A Case Study With Special Reference To Marathwada Region Of Maharashtra

- **Dr. Mangabingh S. Bisen**
 Assistant Professor, Narayanrao Chavan Law College,
 Nanded (Maharashtra).

"Public Property" means any property, whether immovable or movable which is owned by or in the possession of or under the control of the Central Government or any State Government or any local authority or any government-controlled corporation or company or institution.

Property damage is damage to or the destruction of public or private property, caused either by a person who is not its owner or by natural phenomena. Property damage caused by persons is generally categorized by its cause: neglect (including oversight and human error), and intentional damage. Intentional property damage is often, but not always, malicious. Property damage caused by natural phenomena may be legally attributed to a person if that person's neglect allowed for the damage to occur.

Public and private buildings and other open places disfigured by slogans written and posters pasted indiscriminately on their walls are a common spectacle in the cities and villages of the State. Indulgence in these activities apart from spoiling the beauty of the infrastructure and other space obliges the owners to incur certain expenditure to undo the mischief. As these activities have been on the increase it has become necessary to prevent them immediately.

The existing legal provisions and the municipal laws are not found to be sufficient to check this menace effectively. In these circumstances it is intended to have a separate stringent law which provides inter alia for deterrent punishment and for making the offences cognizable.

Interdisciplinary Relevance:

The present minor research aims to establish a correlation between disfiguration of public property and the effectiveness of existing legal provisions to control the same. The Classical School of Criminology is of the opinion that "*Man resorts to crime out of his negligence and free will*". The research also intends to study the sociological and psychological aspect of the problem. The Maharashtra Prevention of Defacement of Property Act, 1995 provides a minimal punishment of imprisonment upto three months or fine or both. The punishment remains the same even where the gravity of the offence is extremely severe. Thus, this minor research project has some inter disciplinary value and it touches the fields of- Criminology, Penology, Sociology and Psychology.

Prior to the enactment of the Maharashtra Prevention of Defacement of Property Act, 1995, the issue was dealt with the help of the common law remedies and with Law of Tort. Since there was absence of some specific statute, the Indian Penal Code, 1860 and the Law of Tort were the most referred statutes. After the enactment of the Maharashtra Prevention of Defacement of Property Act works as a checkpoint but the problem still remains.

Research Methodology:

Research Methodology is an important aspect of any research work. Considering the research problem doctrinal as well as non-doctrinal method is to be used. For this both primary and secondary data shall be used. The research aimed to analyse the position of the Maharashtra Prevention of Defacement of Property Act, 1995 in Maharashtra with special reference to Marathwada region. The initial first year research work shall include collection of facts and figures. It shall include collection of evidences of defacement of public property. Such evidences shall include- photographs, pictures, videos, news paper cut-outs, court cases, personal interviews and questionnaires etc. Information may also be called under the Right to Information Act for further depth of the subject.