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MINOR RESEARCH PROJECT

Entitled

**“DEFAACEMENT OF PUBLIC PROPERTY: A CASE STUDY
WITH SPECIAL REFERENCE TO MARATHWADA REGION OF
MAHARASHTRA”**

-: Submitted To :-

The Joint Secretary
University Grants Commission,
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-: Submitted Through :-

The Director
Board of College & University Development,
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DEFACEMENT OF PUBLIC PROPERTY: A CASE STUDY WITH SPECIAL REFERENCE TO MARATHWADA REGION OF 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.

Review of Research and Development In The Subject

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.

International Scenario

Defacement of property is not only occurring in India but it is an international turmoil. Almost all the first world and second world nations have the laws to tackle with the problem of defacement. It is not only the administrative authorities that keep the check on such issues but also the society plays an important role. For example- in *Georgia*, where the famous “*Georgian Guidestones*’ were disfigured with polyurethane paint and graffiti, the incident was highlighted by the media. In *Singapore* (April 2014) the police officials warned the Labour Day protest organizers against defacing poster of Prime Minister and public property. Thus defacement and disfiguration of public property seems to be an international issue. The present research shall take into consideration the case studies of various nations.

National Scenario:

At the national level, the subject of protection of public property falls under the State List of Seventh Schedule of the Constitution of India. Each state has its own policy to deal with this issue. For example- the Karnataka Open Places (Prevention of Disfigurement) Act, 1981, The Delhi Prevention of Defacement of Property Act, 2007, The Rajasthan Prevention of Defacement of Property Act, 2006, the A.P. Prevention of Disfiguration of Open Places and Prohibition of Obscene and Objectionable Posters and Advertisements Act, 1997 etc. Discrepancy in the statutes and meaning of the general terminologies creates confusion and ambiguity. Thus, there seems to be a need for national/central statute over the same.

Significance of the Study:

Banners, buntings, flags, cut-outs are considered to be the main reason behind defacement of public property. This takes place mostly during the election period and some

special occasions like festivals, birthdays, processions etc. almost all the states have the legal provision to control such defacement but the outcome seems to be unsatisfactory.

Vandalism seems to be another reason behind damage of public property. Vandalism to the public property causes either nuisance or actual loss to the government. The term vandalism is often used synonymously with intentional property damage, although that term is often associated with superficial or aesthetic damage, such as defacement. When property damage is undertaken for the purpose of intimidating a government or society at large, it may be categorized as terrorism.

The present research aims towards conducting a survey to look into the position of defacement law in Maharashtra State. For the purpose of the said study, I intend to take Marathwada region of Maharashtra as my area of study.

Aims and Objectives of Research:

Following are the objectives of this research work-

1. To study the concept of defacement.
2. To study the status of defacement law in Maharashtra State.
3. To study the legal provisions applicable for preventing defacing of public property.
4. To study the constitutional aspects of damage to government property.
5. To study the incidents, percentage, legal response to property disfiguration cases in Marathwada region.
6. To study and suggest measures to control the situation.

Methodology Used:

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 cutouts, court cases, personal interviews and questionnaires etc. information may also be called under the Right to Information Act for further depth of the subject.

The research is dedicated to the analysis of data collected during the preceding year of research. The present state of the existing statute, specific as well as general, shall be analyzed.

A reference needs to be taken from the countries which are successful in eradicating the problem of defacement.

Scheme of Presentation:

Search work is being set out in form of a thesis. it has been split into 8 chapters. the summary of chapters is presented below:

First Chapter: Introduction: This chapter covers the Fundamental idea about the defacement of property it looks into the historical development of the concept of property and law of defacement.

Second Chapter: Objectives and research methodology: Chapter gives us an idea about the objective of behind carrying out this research activity. it also gives us a road map to achieve this object. the object of this research is of social relevance and is of primary importance.

Third Chapter: Defacement of Public Property: A Holistic Approach: The contracts such as- property, public property and defacement carry a wide interpretation. the present chapter attempts to anilines the definition of this concept, essentials of this contract and application of the same in the present Indian legal system.

Fourth Chapter: Legislative & Judicial Approach: This chapter takes into consideration an in-depth study of different laws relating to defacement of public property in India and in other Nations. since the subject of research Falls within state jurisdiction, there exists a number of floors to look into. the researcher has considered few laws for its study as the provisions of these laws are similar in nature. the researcher has also taken into consideration the different judicial precedent relating to defacement of public property.

Fifth Chapter: Defacement of Public Property in Marathwada Region: the present chapter gives us the geographical idea about Marathwada region as the research work is largely based upon the defacement laws in this area. The Marathwada region of Maharashtra comprises of eight (08) districts. The present research is carried out in all these districts and in some nearby villages. The researcher has found that there is a pattern of defacement of public property. For instance, many of the disfiguration of public properties take place during the election period. The researcher notices that the authorities are either unaware or ignorant about the defacement laws. The researcher has also found out some other reasons behind non-detection of this wrong, non-implementation of this law and non-execution of penalty for the wrongful act and the same has been mentioned in the final chapter of this research thesis.

Sixth Chapter: Conclusion & Suggestion: the fifth and the final chapter research consists of a conclusion and suggestion. The researcher has undertaken study over the topic of research and has come up with some concrete conclusions as mentioned in the report. The researcher has also suggested some recommendations and measures for better implementation of the existing laws relating to defacement and necessary changes therein.

THE ACHIEVEMENTS FROM THE PROJECT

The multiplicity of achievements, as found out in this project, are as follows:

1. This may be the first project in India which presents and inductive research about the menace of defacement of public property.
2. Even though the law relating to defacement of public property is in place the violation of these legal principles and menace of defacement is on the rise.
3. Various Municipal and state laws are taken into consideration for better understanding of the research topic.
4. Status of operation of property is comparatively crystallized but taking into consideration the ancient and mediaeval Indian history, British rule in India and post-independence development.
5. Researcher has shared some personal experiences with regards to data collection and attitude of the government officials when it comes to implementation of defacement rules.
6. It has come to the notice that the Judiciary is playing an important role in protection and upliftment of defacement laws in India.

CONCLUSION AND SUGGESTIVE MEASURES

The broad areas for the conclusion and suggestion includes, but are not limited to, the following areas-

- Implementation of the Statute
- Social attitude and awareness
- Comprehensive approach
- Categorization of defacement based upon their gravity and seriousness
- Speedy trial and disposal of cases
- Administrative activeness and cognizance

CONTRIBUTION TO SOCIETY

Contribution to the society by this project is as follows:

1. This maybe the first project in India to highlight the menace of Defence mint of public property and the suffering being faced by the property owners i.e. the government.
2. this project helps to create awareness among the people in the society about violation of of law of defacement in India.
3. The project contributes to make the people law abiding citizen and taking our nation towards the path of development.
4. the project highlights the problems and complications being faced by the executive while implementing the laws, by the Judiciary while deciding a particular case, by the general public using the public property, and by the researcher during data collection.
