

TAMIL NADU OPEN PLACES (PREVENTION OF DISFIGUREMENT) ACT, 1959

1959: TON, Act 2) Open Places (Pieyention oj Disfigurement) 1 63 I[TAMIL NADUJ ACT No. 2 OF 19592. THE i(TAMIL NADU] OPEN PLACES (PREVEN- TION OF DISFIGUREMENT) ACT, 1959. [Received the assent of the Governor on the 16th March 1959, first published in the Fort St. George Gazette on the 25th March 1959 (Chaitra 4, 1881 An Act to prevent r disfigurement by objectionable or unauthorized advertisements of places open to public view in the 8[State of Tamil Nadu,] WHEREAS it is expedient to pre disfigurement by objec- tionable or unauthorized advertisements of places open to public view in the 3lState of Tamil Nadu] ; BE it enacted in the Tenth Year of the Republic of India as follows : 1. (1) This Act may be called the It Tamil Nadul Open Places (Prevention of Disfigurement) Act, 1959, (2) It extends to the whole of the 8[State of Tamil Nadu]

2. In this Act, unless the context otherwise requires,—(a) " advertisement " includes any emgy or any bill, notice, document, paper or other thing containing any words, signs or visible representations ; 1 These words were substituted for the word " Madras " by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969. a For Statement of Objects and Reasons see Fort St. George Gazette Extraordinary, dated the 30th October 1958* Part IV-A, page 478. This Act was extended to the added territories by section 3 of, and the First Schedule to, the Tamil Nadu (Added Territories) Extension of Laws Act, 1962 (Tamil Nadu Act 14 of 1962), repealing the corresponding law in force in those territories. 'd This expression was substituted for the expression " State of Madras " by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969. Short title ami extent. Defini tions, 164 open Places (Prevention of [1959: T.N. Act 2 Disfigurement) (b) "objectionable advertisement" means any advertisement which is likely to — (i) incite any person to Commit murder, sabotage any offence involving violence ; or (ii) seduce any member of any of the armed forces of lthe Union or of the police forces from his allegiance or his duly, or prejudice the recruiting of persons to serve in any such force or prejudice the discipline of any such force ; or (iii) incite any section of the citizens of India to acts of violence against any other section of the citizens of India ; or which— (iv) is deliberately intended to outrage the religious feelings of any class of the citizens of India by insulting or blaspheming Or profaning the religion or the religious belief's of that class ; or (v) is grossly indecent, or is scurrilous or obscene or intended for blackmail ; Explanation.—An advertisement shall not be deemed to be objectionable merely because words or signs or visible representations are used— (1) expressing disapprobation or 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 ; (2) criticising any social or religious practices without malicious intention and with an honest view to promote social or religious reform or social justice ; (c) "place open to public view "includes any private place or building, monument. statue, post, wall, fence, tree or other thing or contrivance visible to a person being in, or passing along, any public place ; (d) ' 'publio nlace" means any place (including a road, street or way, wnether a throughfare or not and a I? nding place) to which the public are granted access or have a right to resort, or over which they have a right to pass. 165 1%: N. Act 21 Open Places (Proention of Disfigurment) 3, Whoever afixes to, or inscribes or exhibits on, any Penalty for place to public hew an" 9%ectionable advertisement disfigure- ment by shall punished with imprisonment cf either description objectionable for a term which may extend to one year or with fine which advertise- may extend to one thousand rupees or with both. ments, 4" Whoever to, or inscribes or exhibits on, any Penalty for place open to public view any advertisement without the unauthorized disflBement written consent of the owner or occupier or person in by advertise- management of the property in which such place is situated meats. shall be punished with imprisonment of either description for a term which may extend to three months or with fine Thich may extend to two hundred rupees. or with both, 5. Whoever in any manner whatsoever causes, procures, Punishment aids, abets or is accessory to, the commission Of of any under 3 or section 4 shall be punished with the punishment provided for the offence, 6. Where a person is prosecuted for committing an Burden of offence under section 4, the burden of proving that he proof in 'has the written consent referred to in that section shall be certain cases, on him, 7, (1) Where an offence has been committed by a Offences by company, every person who, at the time when the offence companies' was committed, was in charge of, and was responsible to, the company for

the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly : Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence. (2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence was committed with or without the consent or connivance of, or is attributable to, any gross negligence on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer of the company, shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. Explanation.— For the purpose of this section— (a) 'company' means any body corporate and includes a firm or other association of individuals, and (b) 'director', in relation to a firm, means a partner in the firm.

8. Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Central Act V of 1898), any offence punishable under this Act shall be deemed to be a cognizable offence within the meaning of that Code.

9. No suit, prosecution or other legal proceeding shall lie against the Government, any local authority or person for anything which is in good faith done or intended to be done under this Act.

10. The provisions of this Act are in addition to, and not affected by, not in derogation of, the provisions of any other law for the time being in force. 11. (1) The State Government may make rules for the purpose of carrying out the provisions of this Act, (2) All rules made under this Act shall, as soon as possible after they are made, be placed on the table of both the Houses of the Legislature and shall be subject to such modifications by way of amendment or repeal as the Legislature may make either in the same session or in the next session. *Now the Code of Criminal Procedure, 1973 (Central Act 2 of 1974). TAMIL NADU GOVERNMENT GAZETTE, 1986. E*TRAORDINARY The following.— Act of the Tamil Nadu Legislature received the assent of the Governor on the 12th June 1986 and is hereby published for general information :— ACT No. 39 OF 1986. An Act to amend the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959. Enacted by the Legislature of the State of Tamil Nadu in the thirty-seventh Year of the Republic of India as follows :— 1. Short title and This Act may be called the Tamil Nadu Open Places (Prevention of Disfigurement) Amendment Act, 1986. (2) It shall come into force on such date as the State Government may, by notification, appoint.

2. Amendment of section 2, Tamil Nadu Act 2 of 1959.—In section 2 of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959 (Tamil Nadu Act 2 of 1959) (hereinafter referred to as the principal Act).— (a) in clause (i) in item (v), the word " or " shall be added at the end ; (2) after item (v), the following item shall be added, (vi) obstructs pedestrian traffic " ; (b) after clause (d), the following clause shall be added, namely :— "(e) Committee " means a Traffic Committee constituted under section 3-B and having jurisdiction.

3. Insertion of new sections 3-A, 3-D and 3-C in Tamil Nadu Act 2 of 1959.—After section 3 of the principal Act, the following sections shall be inserted;— ' 3-A. Penalty for disfigurement by certain categories of unauthorised display without permission—(1) Without prejudice to the provisions of section 4, whoever, without the previous permission of the Traffic Committee, affixes to, or inscribes or exhibits on, any place open to public view any advertisement which— (a) obstructs the line of vision of any person or the driver of any vehicle using any public place or endangers the safety of such person, driver or vehicle ; (b) distracts the attention of any pedestrian or the driver of any vehicle using any public place, in such manner as to cause real danger to such pedestrian or driver or vehicle; or (c) causes glare to the driver of any vehicle using any public place, shall be punished with imprisonment of either description for term which may extend to one year or with fine which may extend to one thousand rupees or with both. (2) Every Traffic Committee shall, in deciding whether to grant or refuse to grant permission under sub-section (1), regard to the following matters, namely : (a) the location of the proposed advertisement; (b) the effect of such advertisement on moving traffic; and (c) such other matters as may be prescribed. 3-B. Constitution of Traffic Committee There shall be constituted a Traffic Committee for the City of Madras and for each district. (2) Every Traffic Committee shall,— (a) in the City of Madras, consist of the Deputy Commissioner of Police (Traffic) ; (b) in the districts, consist of the

Superintendent of Police and five other non-official members appointed by the State Government, of whom, two shall be women : Provided that if there are more than one Superintendent of Police in a district, the senior most shall be the member of the Traffic Committee. 3-C. Appeal.—A person aggrieved by any decision of the Traffic Committee in granting or refusing to grant permission under section 3-A may appeal— (a) in the City of Madras, to the Commissioner of Police; and 5 NADU GOVERNMENT GAZETTE EXTRAORDINARY 201 (b) elsewhere, to the Collector of the district concerned. (2) The decision of the appellate authority under sub-section (1) shall be final. 4. Amendment of section 4, Tamil Nadu Act 2 of 1959.—In the principal Act, section 4 shall be renumbered as subsection (1) of that section and after subsection (1) as so renumbered, the following sub-section shall be added, namely :— (2) The court while convicting the offender under sub-section (1) may, by order, also, direct the offender to pay by way of compensation to the owner or occupier or person in management of the building or premises, of such amount not exceeding five hundred rupees on the whole as may be reasonably incurred by him in erasing and colour-washing the portions of the building or premises which have been disfigured by the act of the offender. 5. Amendment of section 5, Tamil Nadu Act 2 of 1959.—In section 5 of the principal Act, for the words and figures under section 3 or section 4 the words, figures and letter 'f' under section 3 or section 3-A or section 4 (1) " shall be substituted

6. Substitution of new section for section 6, Tamil Nadu Act 2 of 1959.—For section 6 of the principal Act the following section shall be substituted, namely : 6. Burden of proof in certain cases. —Where a person is prosecuted for committing an offence under section 3-A or section (L), the burden of proving that he has the permission or the written consent, as the case may be, shall be on him. 7. Amendment of section 8, Tamil Nadu Act 2 of 1959.—In section 8 of the principal Act, for the expression the Code of Criminal Procedure, 1898 (Central Act V of 1898) the expression " the Code of Criminal Procedure 1973 (Central Act 2 of 1974) " shall be substituted. 8. Amendment of section 11, Tamil Nadu Act 2 of 1959.—In section 11 of the principal Act, for sub-section (2) the following sub-sections shall be substituted, namely (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for— (a) the form of application for permission ; (b) the manner in which, and the period within which, the application for permission has to be made ; TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY (c) the fees to be paid on every application for permission. (3) All rules made under this Act shall be published in the Tamil Nadu Government Gazette and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published. (4) Every rule made under this Act shall, as soon as possible after it is made be placed on the table of both Houses of the Legislature and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule. (By order of the Governor) S. VADIVELU, Commissioner and Secretary to Law Department. Government, 5 Nadu 2 of 9. TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 14th October 1992 and is hereby published for general information :— ACT No. 55 OF 1992. An Act further to amend the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959. BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-third Year of the Republic of India as follows :— 1. (1) This Act may be called the Tamil Nadu Open Places (Prevention of Disfigurement) Amendment Act, 1992. (2) (a) It shall be deemed to have come into force on the 16th June 1992 in the City of Madras. (b) It shall come into force in any other municipal corporation or in any municipality, on such date as the State Government may, by notification, appoint and different dates may be appointed for different municipal corporations and municipalities

2. In the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959 (hereinafter referred to as the principal Act), in the long title, after the " display of objectionable or unauthorised advertisements of places open to public view " and pasting of posters in such places " shall be inserted. In the preamble to the principal Act, after expression " display of objectionable or unauthorised advertisements of places open to public view ", the expression " and to prevent pasting of posters, in such places " shall be inserted

4. In section 3 of the principal Act, for the expression " 'one thousand' rupees "; the expression "five thousand rupees " shall be substituted

5. In section 3-A of the principal Act, in sub-section (1),—(1) for the expression " Without prejudice to the provisions of the expression " Subject to the provisions of section 4-A and section 4 " without prejudice to the provisions of section 4 " shall be substituted; (2) for the expression " one thousand rupees ", the expression " five thousand rupees " shall be substituted

6. In sub-section (1) of section 4 of the principal Act, for the expression " affix to ", the expression " Subject to the provisions of section 4-A, who ever annexes to " shall be substituted

7. After section 4 of the principal Act, the following sections shall be inserted, namely ' 4-A. Prohibition of pasting of posters and fixing of thorny boards, etc.—(1) Notwithstanding anything contained in sections 3, 3-A or 4 or any other provision of this Act, or any law for the time being in force, no person shall, in any local area,— (a) affix to, or inscribe or exhibit on, any place open to public view, any poster or any effigy, or any bill, notice, document, paper or other thing containing any words, signs or visible; or (b) put up or fix any thorny board or board supported on, or attached to, any post, pole, standards framework or other support wholly or in part upon or over: any land, building, Wall or structure : 209 Short title and commencement. Amendment of long title, Amendment of preamble, , Amendment of section 3, Amendment of section 3-A. Amendment of section 4. Insertion of new sections 4-A, 4-B and 4-C. GOVERNMENT OF TAMIL NADU EXTRAORDINARY that contain clausulae? Bhali apply to.....; t Ay, Yade wfiich Kueh' o\$incribed 09: e*ibjkd'ö ag thé, ca9e may . K'é.nV tißxed;of inse*ibed or exhibited, •4lay „be.' e'tb.e Corn-* and } district' local' -areas; •subject •tö Such *eng ,pqzspocided ; or , (iii) aiy : "amxéd or in'sei'ibed/ or nay, be, arelating any ele or *letting of such land . or v.vgnding or effects therein or to any sale or entertainment be held .upop tpr.;gnithe •me : Provided Surthar that nothing, Contained" in clause , (b) shall apply. axing any' board on any lamp post 'or. twee.belonging to the Slite authority j.4 accordQnop•with, •guöÄ.,rules as mai be thid behalf. , : (1), the Com- in the and-the 'A äperion•bon 8.ny on e in conditiowg. qeci@ed the •digtriét caæ may, grant pei'mi\$ion; if he •considers" thatty tQ<trafféihazäidR. aggrieved off tñeqapinmissioner:: of 'tolidé.. of, is-the case may be, the Collector tho district -in.' refusing to grant * under, sub-section (2):' may toithe• State: government and . seated Government, 'Äiiehl• aixß#l, 4±811 'he gefion läcalrarea• méané Athe ;within• the limita 04=— Madras - "Y : (Tamil Nadi Act •IV oß11g!9), of Madurai fas lbe}eMadürai:, 'r'City."Municipal •Act, 1971: (Tamil Nadu Act 15 Qf.19fl); •tbe•• City •of (%imbatore• denned'in•, thet Cöimbbßtdre City. Muni. aoc*paV.Coppofation Act, 1981 (Tamn Nādu' Ace 25.Qf 1981), or. (iv) aiv othér Muhigipal , Corpontjom that •maii be constituted under .aiyi." for. tbd time being in force," or a-ny niunicipality constituted . undér• the. Tamil'. Nalu District Muni- Act, 1920 ('lamii Nadu Act 1920) . Tepiānation purp%euof.lthie gection local.. authority iyÄTn"icipa.l •jffādurd? Or, Coimbatore br iny*. at cpnstitutädöundef the: or any N*du u mil Nadu &inance 7 Qf 1992. TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY. 4-B. PenaUy.—Whoever' contravene* the provisions of section 4-A shall - be punished with il*mnment of dither description, f' a term which •niay extend to one year, or with fine which may extend to five thousand, mipees, or with both. 4-C. • Power to try offence summanZy.—Any offence punishable under section 4-B may be tried in summary way and the provisions of sections 262 to 265 (both inclusive) of the Code of Criminal Procedure; 1973 (Central Act 2 of 1974): shall,• as far as may be, apply to such trial. "

8. In section 5 of the principal Act, after the expression section 4 (1) " the expression o" or ection, 4-A " ahan be inen.ed

9. In section 6 of the principal Ag • after the expression " or section ., the expression i" or section 4-A (1) (b) " El be inserted. 10, (1) The Tamil Nadu Open Places (Prevention of Disfigurement) Anien(hnent (hdinance, 1992 is hereby repealed. (2) Notwithstanding such repeal, anything done or any action taken under the •principal Act, as amended by the said Ordinance, shall' be deemed eo have been done or _ taken under the principal Act, atc amended by this Act. (By order of the Governor) ISMAII}, Secretary to government, Departmenie. PREfÉ» AND PUBLISHEDBY'THE DIRECTOR OF STATIOtmy AND PRINTING. MADRAS, ON BEHALF OF THE OOVERNMENT OF TAML NADU 211 Amendment of section 5. •Amendmeit pf section 6. Repeal and saving. 20 TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY The following Act of the Tamil Nadu Legislative Assembly received the assent of _the. Governor on the 3rd March' 1994 aind is hereby published for general information.:—:- ACT No. 8

OF 1994. An Act further to amend the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959. BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-fourth Year of the Republic of India as follows :— 1. (1) This Act may be called the Tamil Nadu Open Places (Prevention of Disfigurement) Amendment Act, 1994. (2) It shall come into force at once

2. In the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959 Tamil Nadu Act 2 of 1959.(hereinafter referred to as the principal Act), in the long title, for the expression "open to public view and to prevent pasting of posters in such places", the expression "open to public view and to prevent pasting of posters in such places shall be substituted. and on % Motor Vehicles" 3. In the preamble to the principal Act, for the expression "open to public the expression "open view and to prevent pasting of posters in such places", to public view and to prevent pasting of posters in such places and on Motor substituted. shall be Vehicles" 4. In section 2 of the principal Act,— (1) after clause (a), the following clause shall be inserted, namely:— "(aa) "motor vehicle" means a motor vehicle as defined in clause (28) of section 2 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988) and used for road transport service by any State Transport Undertaking;"; (2) after. clause (d), the following clause shall be inserted, namely :— "(dd) "State Transport Undertaking" means a State Transport Under- 1988 taking as defined in clause (42) of section 2 of the Motor Vehicles Act, (Central Act 59 of 1988);"

5. After section 4-A of the principal Act, the following section shall be inserted, namely : "4-AA.Prohibition of pasting of posters and fixing of thatty boards, e.L., (1) Notwithstanding anything contained in sections 3, 3-A. on Motor Vehicles.. 4 or 4 A or any other provision of this Act, or any law for the time being in force, no person shall— (a) affix to, or inscribe or exhibit on, any motor vehicle, any poster or any effigy, or any bill, notice, document, paper or other thing containing any words, signs or visible representations; or (b) put up or fix any thatty board or board supported on, or attached to, any post, pole, standard, framework or other support wholly or in any part upon or over any motor vehicle : Provided that nothing contained in this sub-section shall apply to any poster or advertisement or thatty board of the State Government, on any motor vehicle. (2) Notwithstanding anything contained in sub-section (1), any officer authorised by the Chairman of the State Transport Undertaking concerned, may grant permission to any person to put up or fix any thatty board on any motor vehicle, subject to such conditions and for such period as may be specified in such petty session : Short commencement Amendment of: long title. Amendment of preamble. Amendment of section 2. insertion of ng section 4-A on ' éhtAof TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY Provided that the officer so authorised may refuse to grant permission, if he considers that such display of thatty boards may lead to disfigurement or damage or deteriorate the effective use of the motor vehicle. (3) Any person aggrieved by any decision of the officer referred to in sub- section (2) in refusing to grant permission, may appeal to the State Government and the decision of the State Government, on such appeal, shall be final. (4) Whoever contravenes the provisions of sub-section (1) shall be punished with imprisonment of either description, for a term which may extend to one year, or with fine which may extend to five thousand rupees, or with both. (5) Any offence punishable under sub-section (4) may be tried in a summary way and the provisions of sections 262 to 265 (both inclusive) of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) shall, as far as may be, apply to such trial."

6. In section 5 of the principal Act, after the expression "section 4-A", the expression "or section 4-AA" shall be inserted."section 4-A(1)(b)", 7. In section 6 of the principal Act, after the expression the expression "or section 4-AA(1)(b)" shall be inserted. (By order of the Governor) M. MUNIR.AMAN, Secretar'y to Government, Law Department'. 21