

**F No. 24013/12/C.C./2013-CSR.III**  
**Government of India**  
**Ministry of Home Affairs**  
**(CS Division)**

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NDCC-II Building, Jai Singh Road, New Delhi  
Dated 20<sup>th</sup> May 2015

**SUBJECT:-Suggestions regarding Amendment to the Prevention of  
Damage to Public Property Act 1984 by the Prevention of  
Damage to Public Property Act (Amendment) Bill, 2015**

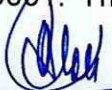
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The Supreme Court vide an order dated 18-06-2007 (in the matter of Writ Petition (Crl.) No. 77/2007), had set up a Committee under the Chairmanship of Mr. Justice K T Thomas, former Judge of the Supreme Court, to examine modalities to be adopted to make the Prevention of Damage to Public Property Act, 1984 (PDPP Act, 1984) more effective and also suggest suitable changes, which could make the Statute more meaningful.

2. The Committee concluded that the present law was inadequate and ineffective to deal with the increasing number of instances of public property damages and made some recommendations for amendment in the Prevention of Damage to Public Properties Act, 1984. Accepting the recommendations of the Justice K T Thomas Committee, the Ministry of Home Affairs has proposed amendments in the PDPP ACT, 1984. Proposed amendments seek to deter the prospective violators from vandalizing and destroying public/private property during agitations and other forms of protests. Importantly, the proposed amendments will also deter the office-bearers of these organizations.

3. The present provision of the Prevention of Damage to Public Property Act, 1984 is at Annexure-I and the proposed draft Prevention of Damage to Public Property Act (Amendment) Bill, 2015 is at Annexure-II

4. The suggestions/comments on the proposed draft PDPP Act (Amendment) Bill, 2015 from the Public and other stakeholders are solicited on or before 20<sup>th</sup> July 2015 and the same may be sent to the Ministry of Home Affairs, CS Division, 5<sup>th</sup> Floor, NDCC Building, Jai Singh Road, New Delhi-110001. The suggestion could also be sent on e-mail: [dircs1-mha@mha.gov.in](mailto:dircs1-mha@mha.gov.in).

  
(Kumar Alok)  
Joint Secretary

PREVENTION OF DAMAGE TO PUBLIC PROPERTY ACT, 1984 (3 OF 1984)

*An Act to provide for prevention of damage to public property and for matters connected therewith.*

Be it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows :-

**1. Short title, extent and commencement. –**

1. This Act may be called the Prevention of Damage to Public Property Act, 1984.
2. It extends to the whole of India except the State of Jammu and Kashmir .
3. It shall be deemed to have come into force on the 28th day of January, 1984.

**2. Definitions.-**

**In this Act, unless the context otherwise requires,-**

- a. "mischief" shall have the same meaning as in section 425 of the Indian Penal Code (45 of 1.860);
- b. "public property" means any property, whether immovable or movable (including put any machinery) which is owned by, or in the possession of, or under the control of –
  - i. the Central Government; or
  - ii. any State Government; or
  - iii. any local authority; or
  - iv. any corporation established by, or under, a Central, Provincial or State Act or
  - v. any company as defined in section 617 of the Companies Act, 1956 (1 of 1956); or
  - vi. any institution, concern or undertaking which the Central Government may, by notification in the Official Gazette, specify in this behalf:

Provided that the Central Government shall not specify, any institution, concern or undertaking under this sub-clause unless such institution, concern or undertaking is financed wholly or substantially by funds provided directly or indirectly by the Central Government or by one or more State Governments, or partly by the Central Government and partly by one or more State Governments.

**3. Mischief causing damage to public property. –**(1)Whoever commits mischief by doing any act in respect of any public property, other than public property of the nature referred to in sub-section (2), shall be punished with imprisonment for a term which may extend to five years and with fine.

(2) Whoever commits mischief by doing any act in respect of any public property being –

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- a. any building, installation or other property used in connection with the production, distribution or supply of water, light, power or energy ;
  - b. any oil installation;
  - c. any sewage work;
  - d. any mine or factory;
- e. any means of public transportation or of tele-communications, or any building, installation or other property used in connection therewith shall be punished with rigorous imprisonment for a term which shall not be less than six months, but which may extend to five years and with fine:

Provided that the court may, for reasons to be recorded in its judgment, award a sentence of imprisonment for a term of less than six months.

**4. Mischief causing damage to public property by fire or explosive substance.-**

Whoever commits an offence under sub-section (1) or sub-section (2) of section 3 by fire or explosive substance shall be punished with rigorous imprisonment for a term which shall not be less than one year, but which may extend to ten years and with fine:

Provided that the court may, for special reasons to be recorded in its judgment, award a sentence of imprisonment for a term of less than one year.

**5. Special provisions regarding bail.-**

No person accused or convicted of an offence punishable under section 3 or section 4 shall, if in custody, be released on bail or on his own bond unless the prosecution has been given an opportunity to oppose the application for such release.

**6. Saving.-**

The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force, and nothing contained in this Act shall exempt any person from any proceeding (whether by way of investigation or otherwise) which might apart from this Act, be instituted or taken against him.

**7. Repeal and saving.-**

1. The Prevention of Damage to Public Property Ordinance, 1984 (Ord. 3 of 1984), is hereby repealed.
2. Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

**DRAFT BILL TO AMEND THE PREVENTION OF DESTRUCTION OF PUBLIC PROPERTY ACT (PDPPA), 1984**

Provisions of PDPPA	<b>THE PREVENTION OF DAMAGE TO PUBLIC PROPERTY (AMENDMENT) BILL, 2015</b>	
	<b>A BILL</b>	
	to amend the Prevention of Damage to Public Property Act, 1984	
	BE it enacted by Parliament in the Sixty-fifth year of the Republic of India as follows:-	
Short title and commencement	1. (1) This Act may be called the Prevention of Damage to Public Property (Amendment) Act, 2015	
	(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.	
Amendment of Act 3 of 1984.	2. In the Prevention of Damage to Public Property Act, 1984 (hereinafter referred to as the principal Act), after the words "and with fine", wherever they occur, the words "which shall be equivalent to the market values of the public property damaged" shall be inserted.	3 of 1984
Amendment of section 2	3. In the principle Act, in section 2, after clause (a), the following clause shall be inserted, namely:-	
	'(aa) "prescribed" means prescribed by rules made under this Act;'	
Amendment of section 3.	4. In section 3 of the principal Act, in sub-section (2), in the proviso, for the words "for reasons", the words "for special reasons" shall be substituted.	
Insertion of new sections 4A, 4B, 4C and 4D	5. After section 4 of the principal Act, the following sections shall be inserted, namely:-	
Presumption against accused	"4A. Where an offence under this Act has been committed and it is shown that public property has been damaged as direct consequence of such offence and the accused participated in the commission of such offence, it shall be presumed unless the contrary is shown that the accused had committed such offence.	
Abetment of mischief	4B. Where damage to public property is caused in consequence of demonstration, hartal or bandh called by any organisation, the office-bearers of such organization, shall be deemed to be guilty of the	

	commission of the offence of abetment of an offence punishable under this Act and shall be liable to be proceeded against and punished accordingly.	
	Provided that nothing contained in this section shall render any such office bearer liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.	

Punishment for abetment of mischief	4C. Whoever abets an offence punishable under this Act shall be punished with the punishment provided for that offence under this Act.	
Procedure for Videography of incidents of demonstration etc	4D Where a call for demonstration, hartal or bandh has been given by an Organisation and the officer-in-charge of a police station has reasons to believe that damage to the public property is likely to be caused or there is imminent danger of such damage, he shall,-  (i) make such arrangements for the videography of the area where the demonstration, hartal or bandh is proposed to be held;  (ii) deposit the soft copies of videography in such manner, with the concerned Sub-Divisional Magistrate or Executive Magistrate who may entrust the same to said police officer or any other person;  (iii) get the statement of the videographer recorded before Sub-Divisional Magistrate or Executive Magistrate in such manner, as may be prescribed.:"	
Amendment of Section 5	6. In Section of the principal Act:-	
	(i) after the words and figure "or section 4", the words and figure "or section 4B" shall be inserted;	
	(ii) after the words "for such release", the words "and there are reasonable grounds to believe that he is not guilty of the said offence" shall be inserted.	
Insertion of new sections 6A and 6B	7. After section 6 of the principal Act, the following sections shall be inserted, namely:-	
Power to	"6A. (1) The Central Government may, by notification in the Official	

make rules	Gazette, make rules for carrying out the provisions of this Act.	
	(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-	
	(a) the arrangement for videography under section 4D; and  (b) the manner of depositing the soft copies of videography and recording the statement of the videographer under Section 4D.	
Rules to be laid before Parliament	6B. Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the 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.”	

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