

THE PREVENTION OF DESTRUCTION AND LOSS OF PROPERTY ACT, 1981

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STATEMENT OF OBJECTS AND REASONS

Act 47 of 1981.- Consequent on the recent incidents of burning of Motor Vehicles, looting, damage of public and private property in Bangalore City and elsewhere and considering the fact that during the last few years agitational methods are being resorted to increasingly by students, labourers, antisocial elements to achieve these objects, it was considered expedient to provide by a separate legislation for deterrent punishment for such offences and to impose a collective fine on the inhabitants or other persons concerned or otherwise involved in their commission and to apportion among them the loss or damage sustained.

The Prevention of Destruction and loss of property Ordinance, 1981 was hence promulgated on 16th June 1981.

The Proposed enactment seeks to replace the Ordinance.

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KARNATAKA ACT No. 47 OF 1981

(First published in the Karnataka Gazette Extraordinary on the Sixth day of October, 1981)



**THE PREVENTION OF DESTRUCTION AND LOSS OF
PROPERTY ACT, 1981**

(Received the assent of the President on the Twenty-ninth day of September, 1981)

An Act to provide for punishment of certain acts in respect of property and imposition of collective fine to recover the loss or damage sustained by such acts.

WHEREAS it is expedient to provide for punishment of certain acts in respect of property and imposition of collective fine to recover the loss or damage sustained by such acts;

BE it enacted by the Karnataka State Legislature in the Thirty-second Year of the Republic of India as follows:-

1. Short title and commencement.- (1) This Act may be called the Prevention of Destruction and Loss of Property Act, 1981.

(2) It shall be deemed to have come into force on the sixteenth day of June, 1981.

2. Punishment for committing mischief in respect of property.- Whoever,-

- (a) commits or attempts to commit, or instigates, incites or otherwise abets the commission of mischief within the meaning of section 425 of the Indian Penal Code, 1860 (Central Act 45 of 1860) and causes loss or damage to any property; or
- (b) causes loss or damage to any property in any area during the period when an assembly of five or more persons in such area is prohibited by or under any law for the time being in force, or when such assembly is deemed as an unlawful assembly under section 141 of the Indian Penal Code, 1860 (Central Act 45 of 1860),

shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine which may extend to two thousand rupees:

Provided that the court may for reasons to be recorded in writing, impose lesser punishment.

3. Special provision regarding bail.- No person accused or convicted of an offence punishable under section 2 shall if in custody, be released on bail whether with or without sureties unless the prosecution has been given an opportunity to oppose the application for such release:

Provided that it shall not be necessary to give such an opportunity to oppose the application if the court, for reasons to be recorded in writing, is of opinion that it is not practicable to give such an opportunity.

4. Power of State Government to impose collective fine.- (1) If, after enquiry in the prescribed manner, the State Government is satisfied that the inhabitants of an area are concerned in, or abetting or instigating, the commission of an offence punishable under section 2 or harbouring persons concerned in the commission of the said offence or failing to render all assistance in their power to discover or

apprehend the offender or offenders or suppressing material evidence of the commission of such offence, the State Government may, by notification in the Official Gazette, impose a collective fine on such inhabitants and apportion such fine amongst the inhabitants in such manner as may be prescribed:

Provided that the fine so apportioned shall not be recovered from any of the inhabitants until the petition, if any, filed by him under sub-section (3) is disposed of.

(2) The notification made under sub-section (1), shall be proclaimed in the area by beat of drum or in such other manner as the State Government may think best in the circumstances to bring the imposition of the collective fine to the notice of the inhabitants of the said area.

(3) (a) Any person aggrieved by the imposition of the collective fine or by the order of apportionment under sub-section (1), may, within thirty days of the notification, file a petition before the State Government or such other authority as it may specify in this behalf for being exempted from such fine or for modification of the order of apportionment. No fee shall be charged for filing such petition.

(b) The State Government or the authority specified by it shall, after giving to the petitioner a reasonable opportunity of being heard, pass such order as it may think fit:

Provided that the amount of fine exempted or reduced under this sub-section shall not be realisable from any other person, and the total fine imposed on the inhabitants of the area under sub-section (1) shall be deemed to have been reduced by that extent.

(4) Notwithstanding anything contained in sub-section (3), the State Government may exempt any of the inhabitants who have suffered loss or damage to their property in the manner stated in section 2 from the liability to pay the collective fine imposed under sub-section (1) or any portion thereof.

(5) The State Government may, after such enquiry as it may consider necessary determine the amount of compensation which in its opinion may be paid to the person or persons who suffered loss or damage as aforesaid and pay the same out of the fine collected.

(6) The portion of collective fine payable by any person may be recovered in the manner provided by the Code of Criminal Procedure, 1973 for the recovery of fines imposed by a court as if it were a fine imposed by a Magistrate.

5. Power to make rules.- The State Government may make rules for carrying out the purposes of this Act.

6. Repeal and savings.- (1) The Prevention of Destruction and Loss of Property Ordinance, 1981 (Karnataka Ordinance 15 of 1981) 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 this Act.
