



TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

No.731],

MARGAZHI 9, AANGEERASA, THIRUVALLUVAR AANDU-2023
MADRAS, WEDNESDAY, DECEMBER 23, 1992

Part IV—Section 2

Tamil Nadu Acts and Ordinance

The following Act of the Tamil Nadu Legislative Assembly received the assent of the President on the 14th December 1992 and is hereby published for general information :—

ACT No. 59 OF 1992.

An Act to provide for punishment and compensation for damage and loss caused to any property and the public in the state of Tamil Nadu and matters connected therewith.

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 Property (Prevention of Damage and Loss) Act, 1992.

(2) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

1) " Government " means the State Government ;

(2) " mischief " shall have the same meaning as in section 425 of the Indian Penal Code. ;

(3) " political party " means, political party recognised by the Election Commission under the Election Symbols (Reservation and Allotment) Order, 1968

(4) "property " means any property movable or immovable or neryed y or machinery owned by or in possession of, or under the control of any person including

(a) the Central Government ; or

" the State Government, or

(b) any local authority ; or

(c) the Tamil Nadu State Electricity Board ; or any University in this State ; or

Short title and
commencement

TNA 46/94 (9.8.94)

Definitions.

Central Act
XLV of
1860.

TNA 46/94
(9.8.94)

(f) **any** co-operative society including a land development bank registered or deemed to be registered under the Tamil Nadu Co-operative Societies Act, 1983 ; or

- Tamil Nadu Act
30 of 1983.

(g) any corporate body constituted under any Act passed by Parliament or the Legislative Assembly of this State ; or

(h) any other corporation owned or controlled by the Central Government or the State Government ;or

- (i) any institution, concern or undertaking or
- (ii) any company

Explanation- For the purpose of this clause, " company" means any body corporate and includes a trust, a firm, a society or other association of individuals.

TNA 46/94 (9-8-94)

- (ii) commits mischief by doing any act which causes or which he knows to be likely to cause a diminution) of the supply of water to the public or to any person for any purpose or an inundation of, or obstruction to, any public **drainage, or**

Punishment for committing mischief in respect of property

- (i) Commits mischief by doing any act in respect of any property and thereby causes damage or loss to such property to the amount of one hundred rupees or upwards; or TNA 46/94 (9-8-94)
- (iii) commits mischief by doing any act which renders any public road, bridge, navigable channel, natural or artificial impassable or less safe for travelling or conveying property

7 (1)
1

shall be punished with imprisonment for a term which shall not be less than one year but which may extend to five years and with fine :

Provided that the Court may, for any adequate and special reason to be mentioned in the judgment, 'impose a sentence' of imprisonment for a term of less than one year.

4. Whoever commits mischief by fire or any explosive substance intending to cause or knowing it to be likely that he will thereby cause damage to any property to the amount of one hundred rupees or upwards, shall be punished with imprisonment for a term which shall not be less than two years but which may extend to ten years and with fine :

Provided that the Court may for any adequate and special reason to be mentioned in the judgment, impose a sentence of imprisonment for a term of, less than two years.

5. Whoever commits or instigates, incites or otherwise abets the act of throwing stones, bricks, soda-bottles or any other material whatsoever upon the person travelling in any motor vehicle, shall be punished with 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 any adequate and special reason to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than six months.

Explanation.—For the purpose of this section " motor vehicle" shall have the same meaning as in clause (28) of section 2 of the Motor Vehicles Act, 1988 **Central Act have 59 of 1988**

Mischief causing damage to public. Property by fire or explosive, substance.

TNA 46/94
(9.8.94)

Punishment for throwing stones, bricks, etc., upon persons travelling in motor vehicles.

Special Provision regarding bail.

6. No person accused or convicted of an offence punishable under section 3 or section 4 of the Act 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..

7.(1) When imposing` a sentence of fine for an offence under this Act, the court may when passing judgment, order the whole or any part of the fine recovered to be applied—

Order to Pay Compensation.

- (a) in defraying expenses properly incurred in the prosecution**
- (b) in the payment, to any person, of compensation for any loss or injury caused by the offence ;**

(c) in replacing or as the case may be, restoring to the previous state, the property including any road, bridge, navigable channel, natural or artificial.

(2) If the fine is imposed in a case which is subject to appeal, no such payment shall be made before the period allowed for presenting the appeal has elapsed, or, if an appeal be presented, before the decision of the appeal.

(3) An order under this section may also be made by an Appellate Court or by the High Court when exercising its powers of revision.

(4) At the time of awarding compensation in any subsequent civil suit relating to the same matter, the Court shall take into account any sum paid" or recovered as compensation under this section.-

(5) Save as otherwise provided, when a court imposes a sentence, of which fine does not form a part, the court may, when passing judgment, order the accused person to pay, by way of compensation, such amount as may be specified in the order to the person who has suffered any loss or injury by reason of the act for which the accused person has been so sentenced.

No court inferior to that of a Chief Metropolitan Magistrate or a Court of Session shall try any offence punishable under this act

Power to try Offence

8. Notwithstanding anything contained in this Act where an offence punishable under this Act has been committed during any assembly, agitation, demonstration or any other activity organised by a political party or group of persons it shall be presumed that the offence has been committed by such political party or communal language or ethnic group and such political party or communal language or ethnic group

Liability to pay Compensation in certain cases

Slip –I

Any claim for compensation for damage or loss caused to the property shall be made by

Claim for compensation

- (i) any person who has been affected by such damage or loss or**
- (ii) Such Officer empowered by the authorities specified in sub-clauses (a) to (j) of clause (4) of section 2**
TNA 46/94 (9.8.94)

Slip –II

Authority to decide

Every claim for compensation for damage or loss caused to the compensation property shall be made to such authority as may be prescribed.
TNA 46/94 (9.8.94)

In arriving at the quantum of compensation for damage or loss caused to the property the authority prescribed under sub-section (1)-shall have regard to:-

- (a) the value of the Property ;**
- (b) the extent of damage to the property and**
- (c) such other matters as may be prescribed.**

(3) The authority prescribed under sub-section (1) in deciding the claim for compensation shall follow such procedure as may be prescribed.

(4) The authority prescribed under sub-section (1), shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908 for the purpose of— **Central Act**

- (a) taking evidence on oath ;
- (b) enforcing the attendance of witnesses
- (c) discovery and production of documents and material objects; and
- (d) for such other purposes as may be prescribed.

Recovery of compensation as arrear of land revenue

- 12) The authority prescribed under sub-section (1) of section 11, on determination of the compensation amount [for any damage or loss to property and on the application of the officer prescribed] under sub-section (1) of section 10, may issue a certificate for the amount to the Collector and the Collector shall proceed to recover the same in the same manner as an arrear of land revenue.

Recovery of Compensation As arrear of Land revenue

- 12-A Appeal-“SLIP-I” (1) Any person aggrieved by an order made by the authority prescribed under sub-section (1) of section 11 may, within such period and in such manner as may be prescribed appeal to such authority as may be specified by the Government in this behalf.

(2) In deciding the appeal, the authority specified under sub-section (1) shall follow such procedure as may be prescribed and the decision of such authority on such appeal shall be final and shall not be called in question in any court of law.

-TNA.46/94 (9.8.94)

Power to make rules

- 13 (1) The Government may make rules for carrying out all or any of the purposes of this Act.
 (2) Without prejudice to the generality of the foregoing power, such rules may provide for—
- (a) the officer by whom an application for compensation to be made;
 - (b) the form of application for compensation and particulars it may contain and fees if any, to be paid, in respect of the application for compensation: - TNA 46/94 (9.8.94)
 - (c) the authority to whom the claim for compensation has to be made;
 - (d) the matters to be taken into account in arriving at the quantum of compensation by the authority prescribed under section 11 ;
 - (e) the procedure to be followed in deciding the claim, for compensation by the authority prescribed under section 11; and
 - (f) any other matter which is to be or may be prescribed.

3) Every rule made or notification issued under this Act shall, as soon as possible after it is made or issued, be placed on the table of the Legislative assembly and if, before the expiry of the session in which it is so placed or the next session, the Legislative Assembly agrees in making any modification in any such rule or notification or the Legislative Assembly agrees that the rule or notification should not be made or issued the rule or notification 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 or notification.

(By, order of the Governor),

M. MUNIRAMAN,
Secretary to Government in-charge, Law Department.



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GOVERNMENT GAZETTE**

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MADRAS, TUESDAY, AUGUST 9, 1994
Aadi 24, Bhava, Thiruvalluvar Aandu-2025

Part IV- Section 2
Tamil Nadu Acts and Ordinances.

- The following Act of the Tamil Nadu Assembly received the assent of the President on the 4th August 1994 and is hereby published for general information:

ACT No. 46 OF 1994.

An Act to amend the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-fifth Year of the Republic of India as follows :—

1. (1) This Act may be called the Tamil Nadu Public Property (Prevention of Damage and Loss) Amendment Act, 1994.

Short title and commencement.

(2) It shall come into force at once.

TamilNadu Act 2. In the long title to the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 (hereinafter referred to as the principal Act), for the words " the public property and the public ", the words " any property and the public " shall be substituted.

Amendment of long title.

3. In section 1 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely :—

Amendment of section 1.

" (1) This Act may be called the Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992."

4. In section 2 of the principal Act, in clause (4),—

Amendment of section 2.

(1) for the opening portion beginning with the words "public property " and ending with the words "under the control of ", the following shall be substituted. namely :—

" " property " means any property, movable or immovable or machinery owned by or in possession of, or under the control of any person including—";

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(2) for sub-clause (i) and the proviso thereunder, the following shall be substituted, namely :-

" (1) any institution, concern or undertaking ; or
(j) any company.

Explanation.—For the purposes of this clause, " company " means any body corporate and includes a trust , a firm, a society or other association of individuals,".

Amendment of
section 3.

5. In section 3 of the Principal Act, for the words " public property " in three places where they occur including the marginal heading, the word "property" shall be substituted.

Amendment of
section 4.

6. In section 4 of the principal Act, for the words " public property ", in two places where they occur including the marginal heading, the word " property " shall be substituted.

Amendment of
section 7.

7. In section 7 of the principal Act, in sub-section (1), in clause (c), for the words "public property including any public road ", the words " property including any road " shall be substituted.

Amendment of
section 9.

8. In section 9 of the principal Act, for the words "public property", the word " property " shall be substituted.

Amendment of
section 10.

9. In section 10 of the principal Act,—

(1) for sub-section (I), the following sub-section shall be substituted, namely :—

" (1) Any claim for compensation for damage or loss caused to the property shall be made by-

(i) any person who has been affected by such damage or loss ; or

(ii) such officer empowered by the authorities specified in sub-clauses (a) to (j) of clause (4) of section 2."

(2) in sub-section (2), for the words " public property ", the word " property " shall be substituted.

Amendment of
section 11.

10. In section 11 of the principal Act,—

(1) for sub-section (1), the following sub-section shall be substituted, namely:—

, " (I) Every claim for compensation for damage or loss caused to the property shall be made to such authority as may be prescribed."

(2) in sub-section (2), for the words " public property " in two places where they occur, the word " property " shall be substituted.

Amendment of
section 12.

11. In section 12 of the principal Act, for the words "for any damage or loss to the public property and on the application of the officer prescribed ", the words " for any damage or loss to property and on the application of the person or the officer prescribed " shall be substituted.

12. After section 12 of the principal Act, the following section shall be inserted, namely:—

" 12-A. *Appeal.*—(1) Any person aggrieved by an order made by the authority prescribed under sub-section (1) of section 11 may, within such period and in such manner as may be prescribed, appeal to such authority as may be specified by the Government in this behalf.

(2) In deciding the appeal, the authority specified under sub-section (1) shall follow such procedure as may be prescribed and the decision of such authority on such appeal shall be final and shall not be called in question in any court of law."

Insertion of new
section 12-A.

(By order of the Governor)

M. MUNIRAMAN,
Secretary to Government, Law Department.