What the Vandalism Act was meant for

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by Chan Wing Cheong

Much has been written for and against the case of the "Sticker Lady" in the media in the last week. There is widespread agreement that her acts of scribbling and pasting stickers on public property are wrong, but there seems to be two camps as to what should be the appropriate legal response.

Should it be considered as "vandalism" where the punishment is a fine of up to S$2,000 or imprisonment of up to three years, and mandatory caning of between three and eight strokes (if the perpetrator is a male and indelible substances are used); or as a "nuisance" where the punishment is only a fine of up to S$1,000?

In deciding what is the appropriate law to be used, we should turn to the origins of that law - what were the motivations behind the law when it was passed? What was the mischief the law was meant to target?

CURB ON POLITICAL HOOLIGANS

The Vandalism Act was passed by the Singapore Parliament in August 1966, just one year after independence. The world then was a very different place from what Singapore is now. A clue to what the Vandalism Act was meant to do is given by its "long title" which says that the Act was "to provide for exemplary punishment for acts of vandalism". In other words, the harsh penalties were to serve as an example to other like-minded people to warn them against similar behaviour.

What was the behaviour that was targeted? The parliamentary debates show that the concern of the Act was not so much "vandalism" in the sense of destroying or mutilating public buildings and other public property, but more as a tool to curb public political campaigns.

Reference was made in the parliamentary debates to "writing of slogans, drawing of pictures, painting and marking ... even the sides of drains by anti-social and anti-national elements in the name of democracy". It must be remembered that Singapore in the '60s was caught up in the Cold War between the superpowers and the main opposition party, the Barisan Sosialis, had vowed to "take the fight to the streets".

The Prime Minister at the time, Mr Lee Kuan Yew, gave further examples of the type of behaviour and person that was targeted.

It was for actions "like taking a pot of paint and going to every bus stand and chalking up anti-American or anti-British or pro-Vietcong slogans" and "the vicious petty slogan-shouting hooligan".

COST TO THE PUBLIC

While it is true that other than stifling left-wing dissent, there were references to damage to public property in the parliamentary debates, what was envisaged was on a wholly different scale.

References were made to "theft of fountain heads made of copper, copper tubes outside Housing and Development Board premises used for boilers" and "vital parts from electric switch-boxes and substations". The theft of the copper items will need to be replaced, resulting in unnecessary public expenditure; while interfering with electric power supply may lead to loss of power supply or fire and loss of life.

The acts of the "Sticker Lady" may show a degree of preparation and deliberation - and even a large dose of creativity - but they are surely not on the same scale as what was intended to be caught by Parliament when the Vandalism Act was passed. She is also not of the same category as a hooligan or a member of a street gang painting leftist slogans.
It will be useful in the public discussion on whether any, and what, charges are appropriate in her case to remember what the Vandalism Act was about.

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