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GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

New Delhi, the 3rd September, 1985.

NOTIFICATION

G.S.R. 711(E).- In exercise of the powers conferred by section 10 of the Dadra and Nagar Haveli Act, 1961 (No.35 of 1961), the Central Government hereby extends to the Union territory of Dadra and Nagar Haveli, the West Bengal Prevention of Defacement of Property Act, 1976 (West Bengal Act 21 of 1976), as in force in the State of West Bengal on the date of this notification subject to the following modifications, namely :-

MODIFICATIONS

1. In section 1, for sub-sections (2) and (3), the following sub-sections shall be substituted, namely :-

"(2) It extends to the whole of the Union territory of Dadra and Nagar Haveli.

(3) It shall come into force on such date as the Administrator may, by notification in the Dadra and Nagar Haveli Gazette appoint."

2. In section 2, clause (a) shall be re-lettered as clause (aa) thereof and before clause (aa) as so re-lettered the following clause shall be inserted, namely :-

'(a) "Administrator" means the Administrator of the Union territory of Dadra and Nagar Haveli appointed by the President under article 239 of the Constitution;'.

3. In section 5, for the words "State Government", the word "Administrator" shall be substituted.

4. Section 7 shall be omitted.

The text of the Act, as modified by this notification, is published as Annexure to this notification.

ANNEXURE

THE WEST BENGAL PREVENTION OF DEFACEMENT OF PROPERTY ACT, 1976 (WEST BENGAL ACT 21 OF 1976) AS EXTENDED TO THE UNION TERRITORY OF DADRA AND NAGAR HAVELI.

An Act to provide for the prevention of defacement of property.

WHEREAS it is expedient in the public interest to provide for the prevention of defacement of property and for matters connected therewith or incidental thereto;

It is hereby enacted in the Twenty-seventh Year of the Republic of India, by the Legislature of West Bengal as follows:

Short title, extent and application.

1. (1) This Act may be called the West Bengal Prevention of Defacement of Property Act, 1976.

(2) It extends to the whole of the Union territory of Dadra and Nagar Haveli.

1.11.85

(3) It shall come into force on such date as the Administrator may, by notification in the Dadra and Nagar Haveli Gazette appoint.

Definitions.

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

(a) "Administrator" means the Administrator of the Union territory of Dadra and Nagar Haveli appointed by the President under article 239 of the Constitution;

(aa) "defacement" includes impairing or interfering with the appearance or beauty, damaging, disfiguring, spoiling or injuring in any other way whatsoever and the word "deface" shall be construed accordingly;

(b) "property" includes any building, hut, structure, wall, tree, fence, post, pole or any other erection;

(c) "writing" includes decoration, lettering, ornamentation, etc., produced by stencil.

Penalty for defacement or property.

3. (1) whoever defaces any property in public view by writing or marking with ink, chalk, paint or any other material, except for the purpose of indicating the name and address of the owner or occupier of such property, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

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(2) where any offence committed under sub-section (1) is for the benefit of some other person or a company or other body corporate or an association of persons (whether incorporated or not), then, such other person and every president, chairman, director, partner, manager, secretary, agent or any other officer or person concerned with the management thereof, as the case may be, shall, unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.

Offence to be cognizable. 4. An offence punishable under this Act shall be cognizable.

Power of Administrator to erase writing, etc. 5. Without prejudice to the provisions of section 3, it shall be competent for the Administrator to take such steps as may be necessary for erasing any writing, freeing any defacement or removing any mark from any property.

Act to override other laws. 6. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force.

Repeal and savings. 7. Omitted.

[U-11015/4/84-UTL(166)]

(H.V.GOSWAMI)
JOINT SECRETARY TO THE GOVT. OF INDIA.

To

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