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सं. : 04
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सरकारी राजपत्र OFFICIAL GAZETTE



सत्यमेव जयते

भारत सरकार
Government of India

संघ प्रदेश दमण एवं दीव प्रशासन

U.T. ADMINISTRATION OF DAMAN & DIU

प्राधिकरण द्वारा प्रकाशित

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The Extension of the West Bengal Prevention of Defacement of Property Act, 1976 to UT of Daman and Diu received from the Under Secretary to the Govt. of India, Ministry of Home Affairs, New Delhi, published in the Gazette of India Extraordinary, Part – II, Section 3, Sub-Section (i) dated 30/04/2013 is hereby republished in the Official Gazette of this U.T. Administration of Daman & Diu for general information.

Sd/-
(B. S. Thakur)
Dy. Secretary (Home)

Government of India
Ministry of Home Affairs

NOTIFICATION

New Delhi the 30/4/2013

G.S.R. (E).- In exercise of the powers conferred by section 6 of the Goa, Daman and Diu (Administration) Act, 1962 (1 of 1962), the Central Government hereby extends to the Union territory of Daman and Diu, the West Bengal Prevention of Defacement of Property Act, 1976 (West Bengal Act XXI of 1976), as in force in the State of West Bengal, 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 Daman and Diu.

(3) It shall come into force at once”.

2. In section 2,

(i) clause (a) shall be renumbered as clause (aa) thereof and before clause (aa) as so renumbered, the following clause shall be inserted, namely:-

“(a) “Administrator” means the Administrator of the Union territory of Daman and Diu appointed by the President under article 239 of the Constitution,;”

(ii) for clause (b), the following clause shall be substituted, namely:-

“(b) “Property” includes any building, hut, structure, wall, tree, fence, post, pole or any other erection or monument declared as of national importance,;”

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

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4. Section 7 shall be omitted.

[No. U-11015/1/2012-UTL]

(K. K. Pathak)

Joint Secretary to the Government of India

ANNEXURE

The West Bengal Prevention of Defacement of Property Act, 1976 as extended to the Union territory of Daman and Diu

West Ben. Act XXXIII of 1951	<p>1. (1) This Act may be called the West Bengal Prevention of Defacement of Property Act, 1976.</p> <p>(2) It extends to the whole of West Bengal.</p> <p>(3) It shall apply in the first instance to Calcutta as defined in the Calcutta Municipal Act, 1951, but the State Government may, from time to time by notification in the <i>official Gazette</i>, apply it to such other local area or areas as may be specified in the notification.</p>	Short title, extent and application.
	<p>2. In this Act, unless the context otherwise requires, --</p> <p>(a) "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;</p> <p>(b) "property" includes any building, hut, structure, wall, tree, fence post, pole or any other erection;</p> <p>(c) "writing" includes decoration, lettering, ornamentation, etc., produced by stencil.</p>	Definitions

	<p>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.</p>	<p>Penalty for defacement of property</p>
	<p>(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.</p>	
<p>Offence to be cognizable</p>	<p>4. An offence punishable under this Act shall be cognizable.</p>	
<p>Power of State Government to erase writing, etc.</p>	<p>5. Without prejudice to the provisions of section 3, it shall be competent for the State Government to take such steps as may be necessary for erasing any writing, freeing any defacement or removing any mark from any property.</p>	
<p>Act to override other laws</p>	<p>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.</p>	
<p>Repeal and savings</p>	<p>7. (1) The West Bengal Prevention of Defacement of Property Ordinance, 1976, is hereby repealed.</p> <p>(2) Anything done or any action taken under the West Bengal Prevention of Defacement of Property Ordinance, 1976, shall be deemed to have been validly done or taken under this Act as if this Act had commenced on the 16th day of February, 1976.</p>	<p>West Ben. Ord. IX of 1976</p>

भारत सरकार
गृह मंत्रालय

अधिसूचना

नई दिल्ली 30/4/2013

सा.का.नि. (अ) - केन्द्रीय सरकार, गोआ, दमन और दीव (प्रशासन) अधिनियम, 1962 (1962 का 1) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, पश्चिमी बंगाल राज्य में यथा प्रवृत्त पश्चिमी बंगाल संपत्ति, विस्फीकरण निवारण अधिनियम, 1976 (1976 का पश्चिमी बंगाल अधिनियम 21) का विस्तार निम्नलिखित उपांतरणों के अधधीन, दमन और दीव संघ राज्यक्षेत्र तक करती है, अर्थात् :-

उपांतरण

1. धारा 1 में उपधारा (2) और उपधारा (3) के स्थान पर निम्नलिखित उपधाराएं रखी जाएंगी, अर्थात् :-
“ (2) इसका विस्तार दमन और दीव के संपूर्ण संघ राज्यक्षेत्र पर है ।
(3) यह तुरंत प्रवृत्त होगा । ” ।
2. धारा 2 में,
 - (i) खंड (क) को उसके खंड (कक) के रूप में पुनः संख्यांकित किया जाएगा और इस प्रकार पुनः संख्यांकित खंड (कक) से पहले निम्नलिखित खंड अंतःस्थापित किया जाएगा, अर्थात् :-
‘ (क) “प्रशासक” से राष्ट्रपति द्वारा संविधान के अनुच्छेद 239 के अधीन नियुक्त किया गया दमन और दीव संघ राज्यक्षेत्र का प्रशासक अभिप्रेत है, ’ ;
 - (ii) खंड (ख) के स्थान पर निम्नलिखित खंड रखा जाएगा, अर्थात् :-
‘ (ख) “संपत्ति” के अंतर्गत कोई भी भवन, कुटीर, संरचना, भित्ति, वृक्ष, बाड़, चौकी, खंभा या राष्ट्रीय महत्व के रूप में घोषित कोई भी अन्य निर्माण या संस्मारक आते हैं; ’
3. धारा 5 में “राज्य सरकार” शब्दों के स्थान पर “प्रशासक” शब्द रखा जाएगा ।
4. धारा 7 का लोप किया जाएगा ।

[सं.यू-11015/1/2012-यूटीएल]

(कै.के.पाठक)

संयुक्त सचिव, भारत सरकार