



भारत सरकार / Government of India

सरकारी राजपत्र OFFICIAL GAZETTE

संघ प्रदेश दादरा एवं नगर हवेली तथा दमण एवं दीव प्रशासन
U.T. ADMINISTRATION OF DADRA AND NAGAR HAVELI AND
DAMAN AND DIU

असाधारण EXTRAORDINARY

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U.T. Administration of Dadra and Nagar Haveli
and Daman and Diu
Department of Law and Justice
Vidyut Bhawan, Nani Daman

NOTIFICATION

No. LAW/U.T. Merge (4) /Adapt. State Law/2022/51

Dated: 30/03/2022

In exercise of the powers conferred by section 19 of the Dadra and Nagar Haveli and Daman and Diu (Merger of Union Territories) Act, 2019 (44 of 2019) and in pursuance of the Dadra and Nagar Haveli and Daman and Diu (Adaptation of Central Law, State Laws and Presidential Regulations) Orders, dated 18th January, 2022 a copy of “**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 and Daman and Diu)**” dated 22/03/2022 is hereby publish in the Official Gazette of this Union territory of Dadra and Nagar Haveli and Daman and Diu for implementation and for general information.

Sd/-
(Rohit P.Yadav)
Secretary Law
Dadra and Nagar Haveli and
Daman and Diu

**THE WEST BENGAL PREVENTION OF DEFAACEMENT OF PROPERTY ACT, 1976
(WEST BENGAL ACT, 21 of 1976) AS EXTENDED TO THE UNION TERRITORY OF
DADRA AND NAGAR HAVELI¹[AND DAMAN AND DIU].**

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 there to;

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

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

**Short title,
extent and
application.**

(2) It extends to the whole of the Union Territory of Dadra and Nagar Haveli²[and Daman and Diu].

(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 this Act, unless the context otherwise requires,--

Definition.

a) "Administrator" means the Administrator of the Union territory of Dadra and Nagar Haveli³[and Daman and Diu] 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;

¹Inserted by the Union territory of Dadra and Nagar Haveli and Daman and Diu (Adaptation of Central Law, State Laws and Presidential Regulations) Order dated 18th January, 2022. (herein after referred to as "The Presidential Order, 2022".)

²Inserted by the Presidential Order, 2022.

³Inserted by the Presidential Order, 2022.

b) ⁴["property" includes any building, hut, monument, statue, water pipe line, public road, structure, wall including compound wall, tree, fence, post, pole or any other erection except at specified places;]

⁵[bb) "public view" means anything which is visible to public while they are in or passing along any public place;]

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

3. (1) ⁶[Whoever defaces any property in public view by defacing or spitting or urinating or pasting pamphlets, posters or writing or marking with ink, chalk, paint or any other material or method 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 five thousand rupees or with both].

Penalty for defacement of property.

(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.

⁴Substituted for the words "Property includes any building, hut, structure, well, tree, fence, post, pole or any other erection" by the Presidential Order, 2022.

⁵.Inserted by the Presidential Order, 2022.

⁶Substituted for words, "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 the thousand rupees or with both" by the Presidential Order, 2022.

- 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.
- Indemnity.** ⁷[5A.No suit, prosecution or other legal proceedings shall lie against the Government, any local authority or person for anything which is in good faith or in public interest done or intended to be done under this Act.]
- Act to Override otherlaws.** 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.

By order and in the name of the
Administrator of U.T. of Dadra &
Nagar Haveli and Daman & Diu.

Secretariat,
Daman.

Dated: 22nd March, 2022

Sd/-
(Rohit P. Yadav)
Law Secretary

Department of Law & Justice

⁷Inserted by the Presidential Order, 2022