

West Bengal Act XXI of 1976¹

THE WEST BENGAL PREVENTION OF DEFAACEMENT OF PROPERTY ACT, 1976.

[7.57 April. 1976. j

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:—

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

(2) It extends to the whole of West Bengal,

(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 *Official Gazette*, apply it to such other local area or areas as may be specified in the notification.

Short title,
extent and
application.

West Ben.
Act XXXIII of
1951.

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

- (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;
- (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.

Definitions.

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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of property.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, Part IV. of the 3rd March, 1976; for proceedings of West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 6th March, 1976.

This Act is applicable to the Municipality of Howrah and the Jagacha and Sankrui Polio; stations in the District of Howrah, vide notification No. 1906 P.S., dated the 21st August, 1976, published in the *Calcutta Gazette, Extraordinary*, Part I, of the 21st August, 1976.

[West Ben. Act XXI of 1976.]*(Sections 4-7.)*

(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.

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

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. .

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

Offence (to be cognizable.

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7. (1) The West Bengal Prevention of Defacement of Property Ordinance, 1976, is hereby repealed.

(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.

Repeat an J savings.

West Ben.
Ord. IX
OF 1976.