



The Nagaland Prevention of Defacement of Property Act, 1985

Act 3 of 1985

Keyword(s):

Defacement, Property, Writing, Cognizable Offence

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THE NAGALAND PREVENTION OF DEFACEMENT OF PROPERTY ACT, 1985

(NAGALAND ACT NO. 3 OF 1985)

(Received assent of the President of India on 18-6-85)

An

Act

to provide for the Prevention of defacement of Property.

It is enacted in the thirty-sixth year of the Republic of India by the Legislature of Nagaland as follows :

Short Title, extent and application

1. (1) This Act may be called the Nagaland Prevention of Defacement of Property Act 1985.
- (2) It extends to the whole of Nagaland.
- (3) It shall come into force in the notified area constituted under the Assam Tribal Areas (Administration of Town Committees) Regulation 1950, or in any other local area or areas, on such date, as the State Government may by notification, appoint and different dates may be appointed in respect of different areas.

Definition

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 produced by stencil ;

Penalty for Defacement of 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 ;

- (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 be proved 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 State Government, to erase writing

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.

Act to override other law

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.