

GOVERNMENT

SIKKIM



GAZETTE

EXTRAORDINARY

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GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK

NOTIFICATION

No. 3/LD/1988.

Dated the 1st March, 1988.

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on the 27th day of February, 1988, is hereby published for general information:—

THE SIKKIM PREVENTION OF DEFAACEMENT OF
PROPERTY ACT, 1988.

(ACT NO. 3 OF 1988)

AN
ACT

to provide for the prevention of defacement of property and matters connected therewith and incidental thereto.

BE it enacted by the Legislative Assembly of Sikkim in the Thirty-ninth Year of the Republic of India as follows:—

Short title, extent and commencement.

- (1) This Act may be called the Sikkim Prevention of Defacement of Property Act, 1988.
- (2) It extends to the whole of the State of Sikkim.
- (3) It shall be deemed to have come into force on the 15th day of December, 1987.

Definitions.

2. In this Act, unless the context otherwise requires,—
 - (a) 'defacement' includes impairing or interfering with the appearances or beauty, damaging, disfiguring, spoiling or injuring in any other way whatsoever and the word "deface" be construed accordingly;
 - (b) 'property' includes any building, hut, wall, tree, fence, pole or any other erection;
 - (c) 'writing' includes decoration, lettering, ornamentation etc., 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 he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.

Offences to be cognizable. 4.

Any offence punishable under this Act shall be a cognizable offence.

Power of State Government to erase writing etc. 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 laws. 6.

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

Repeal and saving. 7.

(1) The Sikkim Prevention of Defacement of Property Ordinance, 1987, is hereby repealed.

3 of 1987.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of the powers conferred by or under this Ordinance, shall be deemed to have been done or taken in exercise of the powers conferred by or under this Act, as if this Act was in force on the day on which such thing was done or such action was taken.

B.R. PRADHAN,
Secretary to the Govt. of Sikkim,
Law Department.

[F. No. 16(233)/LD/1987]