

# THE JAMMU AND KASHMIR PREVENTION OF DEFACEMENT OF PROPERTY ACT, 1985

[Act No. XIX of 1985]

[Received the assent of the Governor on 9th October, 1985 and published in the Government Gazette dated 15th October, 1985.]

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

Be it enacted by the Jammu and Kashmir State Legislature in the Thirty-Sixth Year of the Republic of India as follows: -

## 1. Short title, extent and commencement

(1) This Act may be called the Jammu and Kashmir Prevention of Defacement of Property Act, 1985.

(2) It extends to the whole of the State of Jammu and Kashmir.

<sup>1</sup>(3) It shall come into force on such date as the Government may by notification in the Government gazette, appoint. ]

## 2. Definitions

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, monument, statue, wall, tree, fence, or vehicle;
- (c) "writing" includes decoration, lettering, ornamentation produced by council.

## 3. Penalty for defacement of property

(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 three 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

<sup>1</sup> Enforced by SRO No. 233 dated 20-03-86 w.e.f. 21-03-1986.

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. Offence to be cognizable**

An offence punishable under this Act shall be cognizable.

**5. Power of Government to erase writing**

Without prejudice to the provisions of section 3, it shall be competent for the Government to take such steps as may be necessary for erasing any writing, freeing any defacement or removing any mark from any property.

**6. Act to over ride other law**

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

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