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NOTIFICATION

No.H.12018/68/96-LJD, the 11th March, 1996. The following Act of the Mizoram Legislative Assembly, which received the assent of the Governor of Mizoram is hereby published for general information.

The Mizoram Act No. 11 of 1995: The Mizoram Prevention of Defacement of Property Act, 1995.

Received the assent of the Governor of Mizoram on 15.2.1996.

AN ACT

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

Be it enacted by the Legislative Assembly of Mizoram in the Forty sixth Year of the Republic of India as follows :-

- Short title, extent and commencement.
1. (1) This Act may be called the Mizoram Prevention of Defacement of Property Act, 1995.
 - (2) It shall extent to the whole of the State of Mizoram.

- (3) It shall come into force on such date as the Government may, by notification in the Mizoram Gazette, appoint.

Definitions. 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 way whatsoever and the word "deface" shall be construed accordingly;
- (b) "Deputy Commissioner" means the Deputy Commissioner in charge of an administrative district and appointed under the Rules for Regulation of the Procedure of Officers Appointed to Administer Justice in the Lushai Hills District, 1937, and includes an Additional Deputy Commissioner;
- (c) "Government" means the Government of the State of Mizoram;
- (d) "Property" includes any building, hut, monument, statue, water pipe line, public road, structure, wall including compound wall, retaining wall, tree, fence, post, pole or any other erection except at specified places;
- (e) "Public view" means anything which is visible to public while they are in or passing along any public place;
- (f) "Writing" includes decoration, lettering, ornamentations, drawing caricature and other modes for representing or reproducing words or figures in a visible form;

Penalty for defacement of property.

3. (1) Whoever defaces any property in public view by defacing or spitting or urinating or pasting pamphlets, posters or writing or marking with inks, 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 one thousand rupees or with both.
- (2) Where any offence committed under 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.

- Punishment for attempt to commit offences. 4. Whoever attempts to commit any offence punishable under this Act or to cause such offence to be committed and in such attempt does any act towards the commission of the offence, shall be punishable with the punishment provided for the offence.
- Punishment or abettors. 5. Any person who by supply of or solicitation for money, by providing or premises, supply of materials, aids, abets or is accessory to the commission of any offence under this Act shall be punished with the punishments as provided for the offence.
- Offence to be cognizable. 6. An offence punishable under this Act shall be cognizable and bailable.
- Power to erase writing, etc. 7. Without prejudice to the provisions of section 3, it shall be competent for the Deputy Commissioner to take such steps as may be necessary for erasing any writing, freeing any detachment or removing any mark from any property.
- Offence to be tried summarily 8. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Act 2 of 1974) all offences under this Act shall be tried in a summary way by any Magistrate of the first class specially empowered in this behalf by the High Court under the provisions of section 262, 263, 264 and 265 of the Code of Criminal Procedure, 1973 (Act 2 of 1974);
- Provided that in a case of conviction for any offence in a summary trial under this section, it shall be lawful for the Magistrate to pass a sentence of imprisonment for any term which such offence is punishable under this Act.
- Indemnity. 9. No suit, prosecution or other legal proceedings shall lie against the Government or 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 other laws. 10. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law or the time being in force.

P. Chakraborty,
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