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THE BALOCHISTAN GAZETTE

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NO. 26 QUETTA MONDAY FEBRUARY 22, 2016.

BALOCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT. |

NOTIFICATION.

Dated Quetta, the 22nd February, 2016.

No. PAB/Legis:V(23)/2016/6016. The Sound Systems (Regulation)

Bill 2015, (Bill No.23 of 2015) having been passed by the Provincial Assembly of Balochistan on 15th February, 2016 and assented to by the Governor,

Balochistan on 17th February, 2016, is hereby published as an Act of the Balochistan Provincial Assembly.

THE BALOCHISTAN SOUND SYSTEMS (REGULATION) ACT 2016

ACT NO. II OF 2016

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ACT

to regulate and control the use of sound systems in Balochistan.

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Preamble. WHEREAS, it is expedient for purposes of preventing public nuisance and the voicing of utterances of a controversial nature likely to cause public disorder; to regulate, control and prohibit the use of certain sound systems in the interest of environment, public order, decency and the prevention of incitement to terrorism or the commission of any offence in Balochistan, and to deal with the matters connected therewith or incidental thereto;

. It is hereby enacted as follows:-

Short title and 1 (1) This Act may be called as the Balochistan commencement. Sound Systems (Regulation) Act, 2016.

(2) It shall extend to the whole of Balochistan except Tribal Areas.

(3) It shall come into force at once.

Definitions. 2. In this Act, unless there is anything repugnant in the subject or context—

(a) "Act" means the Balochistan Sound Systems a (Regulation) Act, 2016;

(b) "Code" means the Code of Criminal Procedure, 1898 (Act No. V of 1898);

(c) "Government" means the Government of Balochistan;

(d) "place of worship" means a mosque, Imambargah, church, temple or any other place of worship of any sect or religion;

(e) "prescribed" means prescribed by rules made under this Act:

(f) "public place" means a public street, a public thoroughfare, a public park or playground or any other place to which the members of the public or section of public have access with or without invitation;

(g) "sound system" means a loudspeaker, sound amplifier or such other equipment as may be prescribed: and

Prohibition on
use of sound
system.

Regulation of
sound system.-

(h) "vicinity" means an area or place within ten yards of the place where the sound system is placed.

(i) "Rules" means the rules prescribed under this Act.

3. (1) Subject to this Act, it shall be unlawful for any person to use, or assist in using, permit or allow use of a sound system which generates any loud, unnecessary or unusual noise or any noise which annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of persons in or beyond the vicinity.

(2) Notwithstanding anything contained in this Act or any other law, a person shall not use a sound system which contravenes the prescribed specifications.

(3) The Government shall, by notification, determine the specification of a sound system.

4. (1) Subject to sub-section (2), a person shall not operate or use or cause to be operated or used a sound system:

(a) in a public place, in a manner so as to cause or to be likely to cause annoyance or injury to persons in the vicinity; or

(b) in any place in the vicinity of-

(i) a place of worship during prayer times;

(ii) a hospital providing facilities for indoor patients at any time of day or night; ,

(iii) an educational institution, a court, a hospital not providing facilities for indoor patients or any other public institution, office or undertaking during their usual working hours at a volume or in a manner whereby the working or the use of the establishment is likely to be disturbed by the use of

the sound system; and

Inspections.

Punishment.

(iv) a house or any other place used for human dwelling at any time as may be prescribed; or

(c) in a place of worship in a manner or at a volume whereby any sound from the sound system could be heard beyond ten yards outside the boundaries of the place of worship; or

(d) in any public or private place, for the voicing of any sectarian or other utterances of a controversial nature likely to lead to public disorder, if such utterances are, or may be heard outside or beyond the immediate limits or precincts of such place.

(2) Subject to sub-section (2) of section 3, a person may use:

(a) one external sound system at a place of worship for the purpose of Azan, Arabic Khutba delivered on a Friday or on Eid, announcement of death of a person, lost or found a thing or a person: or

(b) external sound system at a public place and during reasonable hours with the prior permission of the Government or an officer authorized by the Government and the use of such sound system is in accord with the conditions mentioned in such permission.

od The police officer incharge of the local area police

_ Station/incharge levies thana shall, at such regular intervals

as may be prescribed, inspect or cause to be inspected sound systems of every place of worship to ensure compliance with the provisions of this Act and shall maintain record of all such inspections in the prescribed manner.

6. Whoever contravenes any provision of section 3 or 4 shall be liable to punishment with imprisonment for a term which may extend to six months and fine which shall not be less than twenty five thousand rupees but shall not exceed one hundred thousand rupees.

Power of
seizure.

Cognizance and
summary trial.

Compounding
of offence.

Confiscation.

Power to make
rules:

Repeal and
Savings.

rf. (1) A police officer not below the rank of Assistant Sub-Inspector/ Risaldar Levies may seize any sound system used or reasonably suspected to have been used in the commission of an offence under this Act.

(2) Any sound system seized under this section shall, as soon as may be, be produced before the Court having jurisdiction to try an offence under this Act.

8. (1) An offence under this Act shall be cognizable and not bailable.

(2) A Magistrate of the first class shall conduct the trial of an offence under this Act in accordance with the provisions of Chapter XXII of the Code relating to the summary trials.

9. (1) Subject to sub-section (2), the Government or an officer of the Government specifically authorized in this behalf may, at any stage, compound an offence under this Act subject to the deposit of administrative penalty which shall not be less than twenty five thousand rupees.

(2) The offence under this Act shall not be compoundable if the accused had been previously convicted under the Act or his previous offence had been compounded by the Government or the officer authorized by the Government.

10. A court trying an offence under this Act may order the °
confiscation of any loudspeaker or sound amplifier or apparatus used in the commission of an offence under this Act.

ih. The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

12. (1) The Balochistan Regulation of Loudspeakers and Sound Amplifiers Ordinance, 1965 (Balochistan Ordinance No.

II of 1965), is hereby repealed.

(2) | Notwithstanding the repeal of the Balochistan Regulation of Loudspeakers and Sound Amplifiers Ordinance, 1965 (Balochistan Ordinance No. JI of 1965), hereinafter referred as the repeal Ordinance), the rules made or saved, orders, permits and notification issued, anything done, action taken, obligation, liability, penalty of punishment incurred, inquiry or proceeding commenced, person authorized,

jurisdiction of powers conferred under any of the provision of this Act, if not inconsistent with the provision of this Act, shall continue to be in force and deem to have been done, taken, incurred, commenced, authorized, conferred, made, imposed or assessed, released or issued under this Act, until they are repealed, rescinded, withdrawn, cancelled, replaced or modified in accordance with the provisions of this Act.

Secretary,
Balochistan Provincial Assembly.