

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW, JUSTICE AND PARLTAMENTARY AFFAIRS DEPARTMENT,
MUZAFFARABAD

Dated 9th March 2001

No. LD/140-48/2001. The following Act of the Assembly received the assent the President on the 3rd day of March, 2001 is hereby published for general information:-

(ACT IV OF 2001)

AN

ACT

to provide for a law for prohibition of Wall-Chalking and affixing hoardings

WHEREAS it is necessary to provide for a law for prohibition of Wall-Chalking and affixing hoardings and for matters connected therewith and incident there to;

It is hereby enacted as follows:-

1. Short title, extent and commencement.- (1) This Act may be called the Azad Jammu and Kashmir prohibition of Wall-Chalking and affixing hoarding Act, 2001.

(2) It shall extend to the whole of Azad Jammu and Kashmir.

(3) It shall come into force at once.

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

"(a) "Code" means the Code of Criminal Procedure, 1898 (Act V of 1898) as enforce in Azad Jammu and Kashmir.""]

(b) "Government" means the Azad Government of the State of Jammu and Kashmir;

(c) "Owner" means the owner of the house, building, Office, compound or any other immovable property.

3. Prohibition of Wall-Chalking.- (1) No person, agency, organization or political party shall cause Wall-Chalking or paintings on any public or private property in any manner.

1 In Sec. 2, existing cl. (a) and (b) are re-numbered as cl. (b) and (c) respectively and before those renumbered cl. a new cl. (a) has been added

by the AJ&K Prohibition of Wall Chalking and Affixing Hoarding (Amdt.)
Act, 2016 (Act VII of 2016) dt. 09.02.2016.

(2) Whoever contravenes the provision of subsection (1) shall be punished with '[imprisonment for a term which may extend to six months or with] fine upto rupees twenty thousand and shall also be liable to pay the expenditure incurred on removal of such Wall-Chalking, writings or paintings.

(3) The expenditure incurred on removal of Wall-Chalking or paintings shall be recoverable as arrears of land revenue.

2["Exception.- It shall not be an offence under the said Act, if the owner or possessor of the property expresses any material relating to himself or his business thereon.""]

Prohibition of affixing hoardings etc.- (1) No person, agency, organization or political party shall affix hoardings, posters or banners of any size as a part of propaganda, advertisement or election campaign of a candidate on a public or private property in any manner.

(2) Whoever contravenes the provision of subsection (1) shall be punished with *[imprisonment for a term which may extend to six months or with] fine upto rupees twenty thousand and expenditure incurred on removal of such hoardings shall also be recovered from the defaulter as arrears of land revenue.

4["Exception.- It shall not be an offence under the said Act, if the owner or possessor of the property expresses any material relating to himself or his business thereon.""]

5["4-A. Removal of existing Wall Chalking etc.- (1) Within a period of thirty days from the commencement of this Act every local government and local authorities shall cause to be removed all wall chalking or affixing hoarding within its jurisdiction which is prohibited by the said Act.

(2) The expenditure incurred on removal of wall chalking or affixing hoarding shall be recoverable as arrear of land revenue."

\$5. Cognizance and Summary Trial.- (1) An Offence under the 1 Ins. by the AJ&K Prohibition of Wall Chalking and Affixing Hoarding (Amdt.) Act, 2016 (Act VII of 2016) dt. 09.02.2016..

2 Added by Ibid.

3 Ins. by Ibid.

4 Added by Ibid.

5 Added by Ibid.

6 Subs. by Ibid. The original extract of Sec. 5 of Act IV of 2006 is

reproduced as under:-

“5,Cognizance of Offences.-Offences under Section 3 and 4 shall be cognizable and the relevant provisions of the Cr. P.C shall apply mutatis mutandis.”

said Act shall be cognizable and non-bailable.

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

Power to make rules.- The Government may make rules for carrying out the purposes of this Act.

Repeal.- The Azad Jammu and Kashmir Prohibition of Wall-Chalking and affixing hoardings Ordinance, 2000 (Ordinance XII of 2000) is hereby repealed.

Sd/- (M. Idrees Abbasi)
Deputy Secretary