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BALOCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT

NOTIFICATION.

Dated Quetta, the 20th June, 2006.

No. PAB/Legis:V (35)06. The Balochistan Prohibit the Kite Flying Activities Bill, No.2 of 2006 having been passed by the Provincial Assembly of Balochistan on 9th June, 2006 and assented to by the Governor of Balochistan, is hereby published as an Act of the Provincial Assembly.

THE BALOCHISTAN PROHIBITION OF KITE FLYING ACTIVITIES ACT, 2006. (ACT NO.1 OF 2006)

(First Published after having received the assent of the Governor of Balochistan in the Balochistan Gazette (Extra-ordinary) dated 17th June, 2006.

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**AN
ACT**

to prohibit the Kite Flying Activities in the Province of Balochistan.

Preamble

WHEREAS it is expedient to prohibit the Kite Flying in the Province of Balochistan for the safety of human life, public and private properties in the manner hereinafter appearing.

It is hereby enacted as follows:-

Short title extent and Commencement.

1. (1) This Act may be called the Balochistan Prohibition of Kite Flying Activities Act, 2006.

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

(3) It shall come into force at once.

Definitions.

2. In this Act, unless the subject or context otherwise requires the following expressions shall have the meanings hereby respectively assigned to them that is to say:-

(a) "district" shall have the same meaning as are assigned to it under section 2(x) of the Balochistan Local Government Act, 2001 (XVIII of 2001);

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

(c) "kite flying" means the flying of a kite at any place with metallic wire nylon cord (tandi) or any other thread coated with sharp maanjha or any other material which endangers or is likely to endanger human life or property;

(d) "place" means a street road, throughfare, park, garden, play ground, graveyard, hotel, restaurant, motel, mess, club, house, building, tent, vessel, any roof and open space;

(e) "sharp maanjha" means a mixture of chemicals and grinded glass or any other injurious and dangerous material coated on thread for the purpose of kite flying.

Cognizable and
non-bailable offence.

3. Notwithstanding any thing contained in any other law for the time being in force, an offence under this Act shall be cognizable and would be tried summarily under Chapter XXII of the Code of Criminal Procedure, 1898 (Act V of 1898).

Offence and
Punishment.

4. (1) No person shall:-
(a) commit or abet an act of kite flying;
(b) manufacture sale or offer for sale a kite; and
(c) manufacture, store, sell or offer for sale metallic wire, nylon cord (tandi), any other thread coated with sharp maanjha or any other injurious material for the purpose of kite flying.

(2) The Nazim of the concerned district may through a notification issued with the prior approval of the Government, allow kite flying at specified places and sale of kites for a period not exceeding fifteen days during the spring season in a year.

Provided that the kite manufacturing may be allowed for such period as the Government may specify by a general or special order.

Explanation- Nothing in this sub section shall be construed to allow flying of a kite with metallic wire, nylon cord (tandi) or a thread coated with sharp maanjha manufacturing or sale of any such injurious material for the purpose of kite flying.

(3) Subject to sub-section (2), a person, who contravenes the provision of sub-section (1), shall be liable to imprisonment for a terms not exceeding three months or to fine not exceeding forty thousand rupees or to both.

Registration

5. (1) Every manufacturer, traders or seller of kites or kite flying materials shall get himself registered with the concerned City District Government or the District Government in the manner as may be prescribed by the Government through a notification.

(2) Any person, who contravenes the provision of sub-section (1), shall be liable to imprisonment for a term not exceeding three years or to fine not exceeding one hundred thousand rupees or to both.

Power of entry,
search, seizure and
arrest without
warrant.

6. A Police Officer, not below the rank of Sub-Inspector upon information or from his personal knowledge and after such inquiry as he thinks necessary, may;

- (a) arrest without warrant any person committing or suspected to have committed an offence under section 5;
- (b) enter and search such place at any time with such assistance as he may require and using such force as may be necessary; and

- (c) seize and take possession of any article reasonably suspected to have been used or intended to be used for the purpose of committing an offence under this Act.

Mode of making
search and arrests.

7. The provisions of the Code of Criminal Procedure, 1898, except those of section 103, shall mutatis mutandis apply to all searches and arrests in so far as they are not inconsistent with the provisions of section 6.

Appeal.

8. An appeal against the order of a Magistrate shall lie to the Court of Sessions whose decision thereon shall be final.

Repeal

9. The Balochistan Prohibition of Kite Flying Activities Ordinance, 2006 (III of 2006), is hereby repealed.

MUHAMMAD KHAN MENGAL
Secretary.