

***SENATE OF PAKISTAN
HOUSE OF THE FEDERATION***

Report No.11



***Report of the Senate Standing Committee on Interior and Narcotics
Control on the issue "The Islamabad Prohibition of Expressing
Matters on Walls Bill, 2016"***

PRESENTED BY

SENATOR A. REHMAN MALIK
CHAIRMAN

SENATE SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON INTERIOR AND NARCOTICS CONTROL ON "THE ISLAMABAD PROHIBITION OF EXPRESSING MATTERS ON WALLS BILL, 2016"

I, Chairman of the Standing Committee on Interior and Narcotics Control, have the honour to present the report on "The Islamabad Prohibition of Expressing Matters on Walls Bill, 2016" introduced by Senator Mohammad Azam Khan Swati and referred by the House on 21st November, 2016 to the Standing Committee on Interior and Narcotics Control for consideration and report thereof.

2. The composition of the Standing Committee on Interior & Narcotics Control is as under:-

1. Senator A. Rehman Malik	Chairman
2. Senator Shahi Syed	Member
3. Senator Mir Israrullah Khan Zehri	Member
4. Senator Muhammad Saleh Shah	Member
5. Senator Muhammad Talha Mehmood	Member
6. Senator Col. (R) Syed Tahir Hussain Mashhadi	Member
7. Senator Dr. Jehanzeb Jamaldini	Member
8. Senator Chaudhary Tanvir Khan	Member
9. Senator Muhammad Javed Abbasi	Member
10. Senator Muhammad Ali Khan Saif	Member
11. Senator Mukhtiar Ahmed Dhamrah @ Aajiz	Member
12. Senator Syed Shibli Faraz	Member
13. Minister for Interior	Ex-officio Member

3. The matter was taken up in the meetings of the Standing Committee held on 14.12.2016, 19.12.2016 and 30.12.2016.

4. The Committee disposed of the matter on 30th December, 2016 and allowed to submit the report to the House. The following members of the Committee attended the meeting.

1. Senator Abdul Rehman Malik	Chairman
2. Senator Shahi Syed	Member
3. Senator Muhammad Saleh Shah	Member
4. Senator Muhammad Ali Khan Saif	Member



SUMMARY

The proposed legislation was discussed in detail. The Committee agreed to the point of view presented by the Law Ministry. The Law Ministry explained that Islamabad Local Government Act, 2015 Part-II of Eight Schedule does contain the entry 28 that reads as follows:

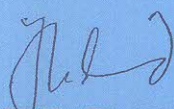
“28. Fixing any bill, notice, placards, or other paper or means of advertisement against or upon any building or place other than the places fixed for the purpose by the local government.”


It was discussed that bye-laws have to be made by the Local Government on the matters enumerated in part-2 of 8th schedule to the said Act. The concerns of Honourable Senators/Mover can be addressed through subordinate legislation and bye-laws can cover all the aspects of the proposed legislation.

The Committee recommended that there is no need of enacting principal legislation on the issue of wall chalking rather it advised the Ministry of Capital Administration and Development Division to prepare bye-laws in this regard.

RECOMMENDATIONS

The Committee disposed of the Bill with the recommendation that the Bill may not be passed. The Bill is annexed.


(JAVAID IQBAL)
Secretary Committee


(SENATOR A. REHMAN MALIK)
Chairman

[TO BE INTRODUCED IN THE SENATE]

A

BILL

to prohibit the expression of matters on walls in the Islamabad Capital Territory

WHEREAS it is expedient to prohibit the expression of matters on walls in the Islamabad Capital Territory.

1. Short title, extent and commencement.- (1) This Act may be called the Islamabad Prohibition of Expressing Matters on Walls Act, 2016.

(2) It shall extend to the Islamabad Capital Territory.

(3) It shall come into force at once.

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

(a) "Code" means the Code of Criminal Procedure, 1898 (V of 1898);

(b) "Government" means the Federal Government;

(c) "Local Government" means local government as defined under the Islamabad Capital Territory Local Government Act, 2015;

(d) "Metropolitan Corporation" means metropolitan corporation as defined under the Islamabad Capital Territory Local Government Act, 2015; and

(e) "Union Council" means union council as defined under the Islamabad Capital Territory Local Government Act, 2015.

3. Prohibition of expressing matters on walls.- Whoever affixes or causes to be affixed any poster, bill, notice, placard or other paper or means of advertisement on a wall or writes on any wall with chalk or paint or in any other manner whatsoever with the intention to attract public attention to that matter shall be punished with imprisonment for a term which may extend to two years but which shall not be less than one year or with a fine which shall not be less than one hundred thousand rupees or with both:

Provided that it shall not be an offence under this section, if the owner or possessor of wall expresses any particular relating to himself or his business thereon.

4. Cognizance and summary trial.- (1) An offence under this Act shall be cognizable and non-bailable.

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

5. Removal of existing expressing on walls.- Within a period of thirty days from the commencement of this Act the Local Governments in each Union Council and Metropolitan Corporation shall cause to be removed all matters expressed on walls, the expression of which is prohibited by the Act.

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

STATEMENT OF OBJECTS AND REASONS

It is the object of this Bill to prohibit the expression of matters on walls in the Federal Capital. Presently no law deals in Islamabad has affixed any penalty for wall chalking or writing different expressions on walls. The writings on the walls tarnishes the urban scenery and beauty of the city. This Bill strives to proscribe and discourage people from putting expressions on the walls of the city.

SENATOR MOHAMMAD AZAM KHAN SWATI
Member-in-Charge