

BALUCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT
THE BALUCHISTAN SOUND SYSTEMS (REGULATION) BILL 2015

BILL NO.23 OF 2015

A
BILL

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

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 commencement.

1. (1) This Act may be called as 'the Balochistan Sound Systems (Regulation) Act, 2015.
- (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 (Regulation) Act, 2015;
 - (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
 - (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.

Prohibition on use of sound system.

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.

Regulation of 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*

(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.

Inspections.

5. 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.

Punishment.

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.

7. (1) A police officer not below the rank of Assistant Sub-Inspector/Risldar 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.

Cognizance and summary trial.

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.

Compounding of offence.

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.

- Confiscation. 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.
- Power to make rules. 11. The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.
- Repeal and Savings. 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. II 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.
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STATEMENT OF OBJECTS AND REASONS

In order to regulate, control the use of sound systems in Balochistan for the 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, it has become expedient to make a law. Accordingly, Balochistan Sound Systems(Regulation) Bill 2015 has been prepared and submitted for approval by the Provincial Assembly.

Sd/-

(Mir Sarfaraz Ahmed Bugti)

Minister

Dated Quetta the

October 2015

Secretary

Balochistan Provincial Assembly

بلوچستان صوبائی اسمبلی سیکرٹریٹ

رپورٹ

مجلس قائمہ بر محکمہ جات داخلہ و قبائلی امور، جیل خانہ جات
اور صوبائی ڈزاسٹر مینیجمنٹ اتھارٹی (پی ڈی ایم اے)

بابت

”بلوچستان ساؤنڈسٹم (ریگولیشن) کا مسودہ قانون 2015ء
(مسودہ قانون نمبر 23 صدرہ 2015ء)۔“

منجانب:- آنا سید لیاقت علی

چیئر مین، قائمہ کمیٹی

بلوچستان صوبائی اسمبلی کی نشست منعقدہ 20 نومبر 2015ء میں پیش کردہ ذیل مسودہ قانون نمبر 23 صدرہ 2015ء کو جناب اسپیکر نے بلوچستان صوبائی اسمبلی کے قواعد و انضباط کار مجریہ 1974 کے قاعدہ نمبر 84 کے تحت مجلس قائمہ برحکمہ جات داخلہ و قبائلی امور، جیل خانہ جات، صوبائی ڈزاسٹر منیجمنٹ اتھارٹی (پی ڈی ایم اے) کے سپرد کیا۔ جو ذیل اراکین پر مشتمل ہے۔

- 1- آغاسید لیاقت علی
- 2- میر سرفراز احمد بگٹی، سابق وزیر داخلہ و قبائلی امور (وزیر متعلقہ)
- 3- سردار محمد اختر مینگل
- 4- حاجی محمد اسلام
- 5- میر امان اللہ خان نوتیزی
- 6- مولوی معاذ اللہ موسی خیل
- 7- محترمہ راحت بی بی جمالی

”بلوچستان ساؤنڈسٹم (ریگولیشن) کا مسودہ قانون صدرہ 2015ء

(مسودہ قانون نمبر 23 صدرہ 2015ء)۔“

قائمہ کمیٹی کی پہلی نشست مورخہ 7 جنوری 2016ء کو منعقد ہوئی اور کورم پورا نہ ہونے کی وجہ سے نشست کو اگلی میٹنگ تک ملتوی کر دیا گیا۔

قائمہ کمیٹی نے اپنی دوسری نشست منعقدہ مورخہ 9 فروری 2016ء میں ”بلوچستان ساؤنڈسٹم (ریگولیشن) کا مسودہ قانون صدرہ 2015ء (مسودہ قانون نمبر 23 صدرہ 2015ء)“ پر شق وار غور و خاص کے بعد کمیٹی اس نتیجے پر پہنچی کہ مذکورہ بالا مسودہ قانون میں کوئی نقطہ آئین، بنیادی حقوق اور پالیسی اصولوں کے منافی نہیں نہ ہی کوئی امر مانع ہے۔ اس لئے کمیٹی مذکورہ مسودہ قانون کے ساتھ من و عن اتفاق کرتی ہے۔

سفارشات

چونکہ مذکورہ بالا مسودہ قانون میں کوئی قابل اعتراض نقطہ مانع نہیں لہذا یہ مجلس اس مسودہ قانون میں

من و عن منظوری کیلئے پیش کرنے کی سفارش کرتی ہے۔

سید /
(آغاسید لیاقت علی)

چیئر مین قائمہ کمیٹی