

THE PUNJAB SOUND SYSTEMS (REGULATION) ORDINANCE 2015 (V OF 2015)

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TEXT

THE PUNJAB SOUND SYSTEMS (REGULATION) ORDINANCE 2015 (V OF 2015)

[9th January, 2015]

AN ORDINANCE

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

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 Province in the interest of environment, public order, decency and the prevention of incitement to terrorism or the commission of any offence, and to deal with ancillary matters;

And whereas Provincial Assembly of the Punjab is not in session and Governor of the Punjab is satisfied that circumstances exist which render it necessary to take immediate action;

Now therefore, in exercise of the powers conferred under clause (1) of Article 128 of the Constitution of the Islamic Republic of Pakistan, Governor of the Punjab is pleased to make and promulgate the following Ordinance:

1. Short title, extent and commencement.— (1) This Ordinance may be cited as the Punjab Sound Systems (Regulation) Ordinance 2015.

(2) It shall extend to the whole of the Punjab.

(3) It shall come into force at once.

2. Definitions.— In this Ordinance:

(a) “Code” means the Code of Criminal Procedure, 1898 (*V of 1898*);

(b) “Government” means Government of the Punjab;

(c) “place of worship” means a mosque, imambargah, church, temple or any other place of worship of any sect or religion;

(d) “prescribed” means prescribed by the rules made under the Ordinance;

(e) “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;

(f) “sound system” means a loudspeaker, sound amplifier or such other equipment as may be prescribed; and

(g) “vicinity” means an area or place within ten yards of the place where the sound system is placed.

3. Prohibition on the use of sound system.— (1) Subject to this Ordinance, 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 Ordinance 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. Regulation of sound system.— (1) Subject to subsection (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;
 - (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 subsection (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.

5. Inspections.– The police officer incharge of the local area police station 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 Ordinance and shall maintain record of all such inspections in the prescribed manner.

6. Punishment.– If a person contravenes any provision of section 3 or 4, he shall be liable to punishment of imprisonment 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.

7. Power of seizure.– (1) A police officer not below the rank of Assistant Sub-Inspector may seize any sound system used or reasonably suspected to have been used in the commission of an offence under this Ordinance.

(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 Ordinance.

8. Cognizance and summary trial.– (1) An offence under this Ordinance shall be cognizable and non-bailable.

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

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

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

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

11. Power to make rules.— The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

12. Repeal and savings.—(1) The Punjab Regulation of Loudspeakers and Sound Amplifiers Ordinance, 1965 (*II of 1965*) is hereby repealed.

(2) Notwithstanding the repeal of the Punjab Regulation of Loudspeakers and Sound Amplifiers Ordinance, 1965 (*II of 1965*), anything done or action taken under the repealed Ordinance, shall have the effect as if the thing is done or action taken under this Ordinance.