

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR

Law, Justice, Parliamentary Affairs and Human Rights Department

“Muzaffarabad”

Dated: 09.02.2016

No. LD/Legis-Act/76-88/2016. The following Act of Assembly received the assent of the President on the 08th day of February 2016, is hereby published for general information.

[Act VII of 2016]

An

Act

to amend the Azad Jammu and Kashmir Prohibition of Walls-chalking and Affixing Hoarding Act, 2001

Whereas it is expedient to amend the Azad Jammu and Kashmir Prohibition of Walls-chalking and Affixing Hoarding Act, 2001 (Act IV of 2001), to provide for, removal of existing wall chalkings and summary trial for offences and other ancillary matters;

It is hereby enacted as follows:-

1. **Short title and Commencement.**- (I) This Act may be called the Azad Jammu and Kashmir Prohibition of Walls-chalking and Affixing Hoarding (Amendment) Act, 2016.
(2) It shall come into force at once.
2. **Amendment of Section 2, Act IV of 2001.**- In the Azad Jammu and Kashmir Prohibition of Walls-chalking and Affixing Hoarding Act, 2001, hereinafter shall be referred to as the said Act, in Section 2, existing clause (a) and (b) shall be renumbered as Clause (b) and (c) respectively, and before these renumbered clauses following new clause shall be added, namely.-
“(a) “Code” means the Code of Criminal Procedure, 1898 (Act V of 1898) as enforced in Azad Jammu and Kashmir;”
3. **Amendment of Section 3, Act IV of 2001.**- In the Azad Jammu and Kashmir Prohibition of Walls-chalking and Affixing Hoarding Act, 2001, hereinafter shall be referred to as the said Act, in Section 3 following amendments shall be made,-
 - (i) in sub-section (2), between the words “with” and “fine” the words “imprisonment for a term which may extent to six months or with” shall be inserted;
 - (ii) after sub-section (3), following exception shall be added:-

“**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.”

4. **Amendment of Section 4, Act IV of 2001.-** In the said Act, in Section 4, following amendment shall be made.-
- (i) in sub-section (2), between the words “with” and “fine” the words “imprisonment for a term which may extent to six months or with” shall be inserted;
 - (ii) after sub-section (2), following exception shall be added:-
“**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. **Addition of Section 4-A, Act IV of 2001.-** In the said Act after Section 4, following new Section 4-A, shall be added.-
- “4-A **Removal of existing Walls chalking etc.-** (1) Within a period of thirty days from the commencement of this Act every local government and local authority shall cause to be removed all Walls chalkings or affixed Hoarding within its jurisdiction which is prohibited by the said Act.
- (2) The expenditure incurred on removal of walls chalkings or affixed Hoarding shall be recoverable as arrears of land revenue.”
6. **Substitution of Section 5, Act IV of 2001.-** In the said Act, Section 5 shall be substituted as under:-
- “5. **Cognizance and Summary trial.-**(1) An offence under the 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.
7. **Savings and Validation.-** Notwithstanding any judgment of Supreme Court or High Court, all actions taken, decisions made, orders passed, proceedings initiated, powers exercised, powers conferred etc., which have been visualized by this Act, shall be deemed to have been validly taken, made, passed, issued, initiated, exercised and conferred under this Act.
8. **Repeal.-** The Azad Jammu and Kashmir Prohibition of Walls-chalking and Affixing Hoarding (Amendment) Ordinance, 2015 (Ordinance XXIII of 2015) is hereby repealed.

-sd-

(Ch. Muhammad Nawaz)
Section Officer (Legislation)