THE [1][KHYBER PAKHTUNKHWA] PROHIBITION OF KITE FLYING ACTIVITIES ACT, 2006.

([2][KHYBER PAKHTUNKHWA] ACT NO. IV OF 2006)

CONTENTS

PREAMBLE

SECTIONS

1. Short title, extent and commencement.
2. Definitions.
3. Cognizable and non-bailable offence.
4. Offence and punishment.
5. Registration.
6. Power of entry, search, seizure and arrest without warrant.
7. Mode of making search and arrests.
8. Appeal.
9. Power to make rules.
10. Repeal.

[1]Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011
[2]Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

THE [3][KHYBER PAKHTUNKHWA] PROHIBITION OF KITE FLYING ACTIVITIES ACT, 2006.

([4][KHYBER PAKHTUNKHWA] ACT NO. IV OF 2006)

Peshawar,
[Dated 12th May, 2006]

[First published after having received the assent of the Governor of the [5][Khyber Pakhtunkhwa] in the Gazette of the [6][Khyber Pakhtunkhwa] (Extraordinary), dated the 12th May, 2006].

AN
ACT
to prohibit kite flying activities in the [7][Khyber Pakhtunkhwa].

Preamble.—WHEREAS it is expedient to prohibit kite flying activities in the Province of the [8][Khyber Pakhtunkhwa] for the safety of human life, public and private properties in the manner hereinafter appearing;

It is hereby enacted as follows:

1. Short title, extent and commencement.—(1) This Act may be called the [9][Khyber Pakhtunkhwa] Prohibition of Kite Flying Activities Act, 2006.

(2) It extends to the whole of the [10][Province of the Khyber Pakhtunkhwa].

(2) It shall come into force at once.

2. Definitions.---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 assigned to it under clause (x) of section 2 of the [11][Khyber Pakhtunkhwa] Local

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[3]Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011
[4]Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011
[5]Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011
[6]Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011
[7]Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011
[8]Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011
[9]Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011
[10]Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011
[11]Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

Government Ordinance, 2001 ([12][Khyber Pakhtunkhwa] Ord. No. XIV of 2001);

(b) "Government" means the Government of the [13][Khyber Pakhtunkhwa];

(c) “kite flying” means the flying of a kite at any place with or without metallic wire, nylon cord (tandi) or any other thread coated with sharp maanjha or any other material;

(d) "place" means an area of 6 kilometers radius surrounding the Airport/Airbase, street, road, thoroughfare, park, garden, playground, graveyard, hotel, restaurant, motel, mess, club, house, building, tent, vessel, any roof and open space;

(e) "prescribed" means prescribed by rules made under this Act; and

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

3. Cognizable and non-bailable offence.—Notwithstanding anything contained in any other law for the time being in force, an offence under this Act shall be cognizable and non-bailable and may be tried summarily under Chapter XXII of the Code of Criminal Procedure, 1898 (Act V of 1898).

4. Offence and punishment.—(1) Subject to sub-section (2), 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 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 Government may specify by a general or special order;

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[12]Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011
[13]Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

Provided further that under no circumstances kite flying shall be allowed in the vicinity of Airports/Airbases as defined in section 2 (d).

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 or 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 provisions of sub-section (1), shall be liable to imprisonment for a term not exceeding three months or to fine not exceeding forty thousand rupees or with both.

5. Registration.—(1) Every manufacturer, trader 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.

(2) Any person, who contravenes the provisions 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 with both. '

6. Power of entry, search, seizure and arrest without warrant.—A Police Officer not below the rank of Assistant Sub-Inspector upon information or from his personal knowledge, 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 force as may be necessary; and

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

7. Mode of making search and arrests.—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 5.

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

9. Power to make rules.—Government may make rules to carry out the purpose of this Act.

10. Repeal.—The North-West Frontier Province Prohibition of Kite Flying Activities Ordinance, 2006 (N.-W.F.P. Ordinance No. 1 of 2006) is hereby repealed.