

**THE PUNJAB PROHIBITION OF KITE FLYING ORDINANCE,
2001**

(LIX of 2001)

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TEXT

**¹THE PUNJAB PROHIBITION OF ²[KITE FLYING] ORDINANCE, 2001
(LIX of 2001)**

[26th December 2001]

**An
Ordinance
for the prohibition of ³[kite flying].**

Whereas it is expedient to provide for the prevention of ⁴[kite flying] in order to save human life, public and private properties and matters connected therewith and incidental thereto;

And whereas the Provincial Assembly of the Punjab is dissolved and the Governor is satisfied that circumstances exist which render it necessary to take immediate action;

And whereas under Article 4 of the Provisional Constitution (Amendment) Order No. 9 of 1999, as amended by the Chief Executive Order No. 11 of 2000, the Governor of a Province may issue and promulgate an Ordinance;

Now, therefore, in exercise of the aforesaid powers and all other powers enabling him in that behalf, the Governor of the Punjab is pleased to make and promulgate the following Ordinance:-

1. Short title, extent and commencement.— (1) This Ordinance may be called the Punjab Prohibition of ⁵[* * *] Kite Flying ⁶[* * *] Ordinance, 2001.

(2) It extends to the whole of the Punjab.

(3) It shall come into force at once.

⁷**2. Definitions.**— In this Ordinance—

¹Promulgated by the Governor of the Punjab on 26 December 2001; and, published in the Punjab Gazette (Extraordinary), dated 26 December 2001, pages 2337 to 2339. Under Article 5A of the Provisional Constitution Order 1999 (I of 1999), as amended, read with Article 270AA of the Constitution of the Islamic Republic of Pakistan, 1973, it shall not be subject to any limitation as to duration prescribed in the Constitution.

²Substituted for the words “dangerous kite flying activities” by the Punjab Prohibition of Kite Flying (Amendment) Act 2009 (XIV of 2009), w.e.f.17.11.2009.,s.2. This Act was originally promulgated as Ordinance XX of 2007; was given permanent life by PCO I of 2007; however, consequent upon the judgment of the Supreme Court of Pakistan dated 31 July 2009, this Ordinance was laid in the Assembly; and was enacted as Act XIV of 2009; and published in the Punjab Gazette (Extraordinary), dated 17.11.2009, pages 1627-1629.

³Substituted *ibid*, for the words “dangerous of kite flying activities”, s.2.

⁴*Ibid*, s.2.

⁵Substituted *ibid*, for the words “Dangerous”, s.3.

⁶Substituted *ibid*, for the words “Activities”, s.3.

⁷Substituted by the Punjab Prohibition of Kite Flying (Amendment) Act 2009 (XIV of 2009); and published in the Punjab Gazette (Extraordinary), dated 17.11.2009, pages 1627-1629, s.4.

- (a) “district” shall have the same meaning as are assigned to it under section 2(x) of the Punjab Local Government Ordinance, 2001 (XIII of 2001);
- (b) “Government” means the Government of the Punjab;
- (c) “kite flying” means the flying of a kite at any place with metallic wire, nylon cord (tandi) or any other thread coated with sharp maanjha or any other material which endangers or is likely to endanger human life or property;
- (d) “place” means a 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 section 8-A; and
- (f) “sharp *maanjha*” 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 Ordinance shall be cognizable and non-bailable and would be tried summarily under Chapter XXII of the Code of Criminal Procedure, 1898 (Act V of 1898).

⁸**[4. Offence and punishment.**— (1) No person shall—

- (a) commit or abet an act of kite flying;
- (b) manufacture, sell 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 the Government, allow kite flying and sale of kites for a period not exceeding fifteen days during the spring season in a year:

Provided that manufacturing of kites and permissible kite flying material may be allowed for such period as the Government may specify by a general or special order.

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, 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 provision 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 to both.]

⁹**[4-A. Registration.**— (1) Every manufacturer, trader or seller of kites or kite flying material shall get himself registered with the concerned City District Government or the District Government in the manner as may be prescribed.

⁸Substituted *ibid.*, s.5.

(2) A person, who contravenes the provision of sub-section (1), shall be liable to imprisonment for a term not exceeding six months or to fine not exceeding one hundred thousand rupees or to both.]

¹⁰**[4-B. Permission for kite flying.]**— (1) Subject to section 4, an owner or possessor of a place shall obtain prior permission of the Union Nazim of the area to use the place for kite flying and intimate the Station House Officer of the area of such permission.

(2) A person, who contravenes the provision of sub-section (1), shall be liable to imprisonment for a term not exceeding six months or to fine not exceeding one hundred thousand rupees or to both.]

¹¹**[4-C. Kite flying association.]**— (1) A District Government may establish a kite flying association in the manner as may be prescribed.

(2) The kite flying association shall perform the prescribed functions in the prescribed manner.]

5. Power of entry, search, seizure and arrest without warrant.— A Police Officer ¹²[,] not below the rank of Sub Inspector upon information or from his personal knowledge and after such inquiry as he thinks necessary ¹³[,] ¹⁴[* * *] may—

- (a) arrest without warrant any person committing ¹⁵[or suspected to have committed] an offence under section 4 ¹⁶[or section 4-A];
- (b) enter and search such place at any time with such assistance as he may require and using such force as may be necessary; and
- (c) seize and take possession of any article reasonably suspected to have been used or intended to be used for the purpose of committing an offence ¹⁷[under this Ordinance]:

¹⁸[* * * * *]

6. Mode of making searches 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.

⁹Inserted by the Punjab Prohibition of Kite Flying (Amendment) Act, 2009 (XIV of 2009); and published in the Punjab Gazette (Extraordinary), dated 17.11.2009, pages 1627-1629.

¹⁰*Ibid.*, s.7.

¹¹*Ibid.*, s.8.

¹²*Ibid.*, s.9.

¹³*Ibid.*, s.9.

¹⁴Omitted the words "and has reason to believe that any place is being used for kite flying" by the Punjab Prohibition of Kite Flying (Amendment) Act, 2009 (XIV of 2009); and published in the Punjab Gazette (Extraordinary), dated 17.11.2009, pages 1627-1629, s.9.

¹⁵Inserted *ibid.*, s.9.

¹⁶*Ibid.*, s.9.

¹⁷Substituted for the words "of kite flying" by the Punjab Prohibition of Kite Flying (Amendment) Act 2009 (XIV of 2009); and published in the Punjab Gazette (Extraordinary), dated 17.11.2009, pages 1627-1629, s.9.

¹⁸Proviso omitted *ibid.*

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

8. Ordinance to override other laws etc.– This Ordinance shall have effect notwithstanding anything contained in any other law for the time being in force.

¹⁹**[8-A.Rules.**– (1) The Government may make rules to carry out the purposes of the Ordinance.

(2) A person, who contravenes a provision of the rules, shall be liable to imprisonment for a term not exceeding six months or to fine not exceeding one hundred thousand rupees or both.

¹⁹Inserted *ibid.*, s.10.