

## DRAFT ADVERTISEMENT BYLAWS

**SRO**..... In exercise of the powers conferred by sub-section 3,23, and 39 of section 282 of the Cantonments Act 1924 (II of 1924) read with section 283 thereof, Article 4, 9, 18, 140 A of the Constitution, of Islamic Republic of Pakistan, Entry No. II, Fourth Schedule, Federal Legislative List, Part-1 and Judgment dated 17-10-2018 pronounced by the August Supreme Court of Pakistan in Suo Moto Case 27 of 2018 (Suo Moto Action regarding removal of Billboards in Lahore) to ensure safety of life and public property (Name of Cantonment Board) previous sanction of Federal Government hereby publish following By Laws for regulating the Advertisements in the (Name of Cantonment Board) for general information, namely;-

1. Short title and commencement;- (1) These By-laws may be called Advertisement By Laws 2019.

(2) They Shall come into force at once.

2. **Definitions;-** In these By-laws, unless there is anything repugnant in the subject or context;

(1) "Act" means the Cantonments Act 1924.

(2) "Adopted or Sponsored Property" means any Public Property sponsored or adopted by a Person pursuant to the rules, regulations or policies of the Cantonment Board in respect thereof and may include Leased Property, Private Property and Property used for Advertisement.

(3) "Advertisement" Includes any work, letter, model, sign, hoarding, wall panel, board, billboard, object, banner, streamer, sky vision, poster, project board, roof top advertisement, device or representation, wholly or in part, whether supported on or attached to any post, pole, standard framework or other support; or upon or over land, property, building or structure or on any vehicle and includes all and every part of

any such post, pole, standard frame work or other support, and balloon parachute or other similarly employed modes including the electronic and magnetic bill boards, wholly or in parts, for the purpose of any advertisement, announcement or direction or otherwise intended for the purposes of advertisement/publicity.

- (4) "Advertiser" means a person, firm, company, incorporation or any other entity engaged or intended to be engaged in the business of Advertisement under a valid License granted by Cantonment Board.
- (5) "Application fee" means such fee as approved by the Board as shall be applicable on different types of Advertisement.
- (6) "Application" means an application seeking permission to place an Advertisement on any Site, as required and in the form and manner prescribed under these By-Laws.
- (7) "Agreement" means written agreement concluded between the Board and Advertiser for the purpose of Advertisement.
- (8) "Authorized Official" means any person who has been authorized by the Cantonment Board to implement and enforce the provisions of these By-Laws.
- (9) "Board" means the Cantonment Board and shall in each case include any Committee constituted by the Board or any Authorized Official appointed by the respective authority.
- (10) "Bid" as prescribed in Bylaw 5 (1).
- (11) "Business Sign" Means an on-premises sign, which contains the name of the Person engaged in any business and any other information related to business carried out on such premises with such measuring as may be allowed by the Cantonment Boar.

- (12) "Clear Height" means that vertical distance between the lowest edge of an Advertisement and the level of the ground immediately below such Advertisement.
- (13) "Committee" means any committee duly formed by the Authority or the Board to which all or any of the powers of the Board have been delegated for the purposes of these By-Laws.
- (14) "Customer" means any person who enters into an agreement with an Advertiser in relation to any display of advertisement.
- (15) "Government" means the Federal Government.
- (16) "Illuminated Advertisement" means any Advertisement which is self-luminous or is illuminated by an outside source of light.
- (17) "License" means a license issued by the Cantonment Board pursuant to a Bid made thereto, in the form and manner prescribed under these By-Laws.
- (18) "Licensee" means any person or advertiser holding a Valid License granted to him by the Cantonment Board under these By-Laws.
- (19) "Mobile Publicity" means advertisement on vehicles or any movable object.
- (20) "Person" means any natural person, legal person or entity.
- (21) "Project Board" means a board or other sign which is displayed, erected or affixed on a building, structure or other area on which any repair or improvement works or construction is being carried out.
- (22) "Public Property" means public property as defined in judgment dated 17-10-2018 passed by the August Supreme Court in Suo Moto Case No. 27 of 2018.

- (23) "Property" means Property beyond Public Property and will include an adopted, sponsored or private or leased property.
- (24) "Pylon Sign" means an on-premises sign that is self-supporting and affixed to the ground using concrete or such other material which enables it to remain firmly secured thereupon without external support of any kind.
- (25) "Rectification Notice" means a notice issued by the Board, requiring a person or Advertiser, as the case may be, to rectify any violation of these By-Laws or of the terms and conditions of a License, in the manner and within the period as shall be specified in such notice.
- (26) "Residential Building" means a building exclusively designed for human habitation, but does not include such buildings, the whole or a part whereof is used for any other purpose such as shops, clinics, offices, schools, workshops, or any other commercial activity."
- (27) "Site" means a place or location as determined by the Authority or the Board within its jurisdiction, where any kind of Advertisement material may be displayed or erected on adopted or sponsored property.
- (28) "Structural Engineer" means a qualified structural engineer registered as such with the Pakistan Engineering Council under the Pakistan Engineering Council Act 1976 (V of 1976) and whose name is listed on the panel of approved structural engineers maintained by the Board.
- (29) "Structural Engineer's Certificate" means the certificate issued by a Structural Engineer pursuant to these BY-Laws valid for a duration specified therein and not exceeding a period of 1 year from its date of issuance, to the effect that the affixation or erection of the relevant Advertisement shall be safe, taking into account the factors including; any applicable structural design and standards policies and guidelines, as as

may be prescribed by any Government or the Board; the foundations of the building or structure upon which the Advertisement is proposed to be affixed or erected; ability of the Advertisement to withstand; extreme wind conditions, earthquakes and other natural disasters; and load bearing capacity thereof.

(30) "Wall Panel" means a panel used for displaying an Advertisement and painted, affixed to or adjoining the wall, or erected on the forecourt of any premises.

(31) "Temporary Advertisement" means as advertisement meant for a short period and not permanent fixed and not intended to remain fixed in one position.

### **3. Regulation and control of Advertisement**

(1) No person or advertiser shall erect or display or cause to erect or display any form of Advertisement on any Site, without obtaining a License from the Board in the form and manner specified herein.

2) Except as provided herein in respect of Adopted or Sponsored Property and Project Board, no person shall affix erect or display or cause to affix, erect or display, any advertisement over or upon any location constituting Public Property.

**4. Procedure for seeking permission for advertisement.** The disposal of advertisement sites as determined by the Board shall preferably be through open public auction subject to these By-Laws and such terms and conditions as it deems fit or through such policy guidelines of the Federal Government as it may issue. However, the Board may also consider and approve application from advertisers.

**5. Procedure of the Board.** Upon preparation of the respective map and corresponding list of Sites available for the purposes of Advertisement, as required under these By-Laws, the Board may;

- (1) Auction all or any of the indentified Sites in the manner set out below:
  - (i) The Board shall publicize the availability of the respective Sites by way of publication in at least two widely circulated newspapers, in the English and Urdu language respectively. Such publication shall notify the date and time at which an open public auction shall be held by the Board, as well as such terms and conditions as the Board deems appropriate to impose in the circumstance of each Advertisement.
  - (ii) At the date and time notified in the publication, an open public auction shall be held in compliance with the respective policy guidelines of the Government at which time all Persons as may be interested may submit their Bids in the form and manner prescribed herein (the "Bid"), in respect of each Site upon which they wish to place any Advertisement.
  - (iii) The Board shall accept the Bid of the highest bidder in respect of each Site, subject to compliance by the respective bidder of the procedure outlined in By-Law 6 below; or
- (2) Accept applications from such persons as may wishes to place any Advertisement on a Site in the form and manner prescribed herein. For this purpose, separate Application must be made in respect of each Advertisement proposed to be placed by the person.

## **6. Procedure for obtaining a License in respect of Advertisement**

### **(1) Submission of Bid or Application**

Subject of Bye-Law 5(2), any person who wishes to place any Advertisement on a Site that has been publicized by the Board as being available pursuant to By-Law 5, shall made an Application or submit a Bid, as the case may be, to the Board in the form and manner prescribed herein.

- (i) Bids or Applications, as the case may be, shall be submitted on the prescribed form in Schedule (“Bid Form”). For this purpose, a separate Bid Form must be submitted in respect of each Advertisement proposed to be placed by the Advertiser.
- (ii) The Bid Form shall be accompanied by the Following documents:
  - a. If applicable, a no objection certificate (NOC) from the owner of the building or such Person as may be legally authorized to issue such NOC, together with any documents evidencing such ownership or authority.
  - b. Three copies of a plan showing the location, style and size of the Advertisement, and the materials to be used.
  - c. In the case of any Advertisement which is proposed to be affixed or erected on any Site, including on the wall or forecourt of any premises, the design and structure of the same shall be certified by a Structural Engineer’s Certificate, a copy of which shall be attached.
  - d. An undertaking from the Advertiser to the effect that the Advertiser shall comply with any structural design standards policies and guidelines framed or issued by the Government or by the **Board as the** case may be from time to time.
  - e. A declaration from the Advertiser that he is not black listed by any competent authority authorized to issue License for Advertisement.

**(2) Review of the Application or Bid by the Board**

- (i) Following receipt of the Bid Form and the supporting documents thereto, the Board shall consider the same in view inter alia of the factors listed in By-Law 6 (4) and any other factor that the Board may

deem relevant in respect of the particular Application or Bid and Advertisement.

- (ii) The Board may refuse or accept any Application or Bid and impose such additional terms and conditions thereto, as the Board deems fit in the circumstances of each Advertisement as required under these By-Laws and shall communicate its decision to the Advertiser.
- (iii) If the Board approves the Application or a Bid it shall, subject to these By-Laws, issue to the Advertiser a License in respect of the Advertisement Site proposed therein, which License shall contain:
  - a. Such terms and conditions on which the License is issued;
  - b. An identification number, which shall be assigned by the board in respect of each Advertisement; and
  - c. The duration of the License.

**(3) Factors for the consideration of Applications or Bids by the Board**

When considering an Application or Bid, the Board shall have particular regard to the following factors:

- (i) The compatibility of the proposed Advertisement with the environment and with the amenity of the immediate neighbourhood, urban design and streetscape;
- (ii) Whether the proposed Advertisement will:
  - a. constitute a danger to any person or property or obstruct any traffic signs, transportation routes, or the visibility of vehicular traffic;
  - b. obscure any existing and legally displayed Advertisement;
  - c. obscure any feature which is a natural feature, architectural feature or visual line of civil, architectural, historical or heritage significance; or

- d. be unsightly or objectionable or be deemed to have a detrimental impact on the building or structure concerned or any adjacent property; or
- e. conflict with any provision of these By-Laws or any other laws, rules, regulations, policies or any order of any competent court or authority as applicable.

**(4) Advertisement Fee**

- (i) The License shall only be issued upon receipt of the relevant Advertisement Fee as prescribed in Schedule hereof, as the same may be amended from time to time.

**(5) Insurances to be procured by the Advertiser.**

- (i) Once an Advertiser has been issued a License, it must immediately procure third party insurance in respect of any risk of damage of person or property, including in respect of personal injury and death, that may be caused by the Advertisement.
- (ii) Within 7 days of the date of the License, the Advertiser shall provide in the Board, a copy of the insurance policy obtained by the Advertiser in respect of each Advertisement.
- (iii) Failure to provide a copy of the Insurance policy within the prescribed time shall result in the immediate cancellation of the License.

**7. Form and Conditions of License**

All Advertisers shall be responsible for ensuring compliance with these By-Laws and any other laws, rules, regulations or order of any competent authority and judgments passed by the Courts as may be applicable to the Advertiser or in respect of any Advertisement or License. The terms and conditions upon which License may be issued by the Board under these By-Laws shall include but are not limited to following;

**(1) Duration**

- (i) Each License shall be issued for a period of three years only.
- (ii) In the event that by an order of any court or other competent authority, the operation of or change in any applicable law, rules or regulations, or for any reason beyond the control of the Board, the Advertisement is required to be removed prior to the expiry of the term of its License, the Advertiser or the Board, as the case may be, shall remove such Advertisement and the Advertiser shall not under any circumstance be entitled to receive any compensation in respect thereof by way of restitution or otherwise.

**(2) Size of Advertisement**

All Advertisement shall be permitted only in compliance with the restrictions as to size, shape and style as set out herein in respect of each type of Advertisement.

**(3) Contents of Advertisement**

- (i) The contents of Advertisement shall under no circumstances contain any image, writing or other feature which amounts to or otherwise encourages or promotes hate speech, discrimination of any kind, graphic content, violence, injured or dead persons, or any obscene or indecent material.
- (ii) The Board shall strictly monitor the contents of all Advertisements and if the Board in its discretion determines that there has been a violation, it shall issue to the relevant Advertiser a Rectification Notice, requiring the Advertiser to forthwith remove the objectionable content from the Advertisement as required under the Rectification Notice. No compensation shall be payable to the Advertiser in such case.
- (iii) In the event of non-compliance by the Advertiser of the Rectification Notice within the period specified therein, the Board

shall itself remove the objectionable content, at the sole risk and cost of the Advertiser.

**(4) Restrictions**

- (i) No trees shall be felled under any circumstances for the purposes of erecting or displaying any Advertisement on any Site or in any location whatsoever.
- (ii) No Advertisement shall under any circumstances or in any way impair the visibility of any traffic sign, transportation route or the visibility of vehicular traffic.
- (iii) No Advertisement shall deny the right or access of any person to light, air and visibility.
- (iv) Subletting by any Advertiser is prohibited.
- (v) In the case of a violation of these By-Laws, the Board shall forthwith remove the Advertisement at the sole risk and cost of the Person or Advertiser and shall cancel the License in respect thereof.

**(5) Maintenance of the Advertisement**

- (i) The Advertisers shall be responsible for the maintenance of their respective Advertisement and its surrounding areas, such that neither become unsightly nor deteriorate to such a degree that it is in conflict with any provision of these By-Laws.
- (ii) All Advertisers shall provide half yearly reports to the Board, in each instance accompanied by a valid Structural Engineer's Certificate in respect of each Advertisement, certifying that the Advertisement and the building or structure on which the same is erected or affixed; is structural safe and does not present any risk or harm to any Person or property; and has been maintained in accordance with these By-Laws and any other laws, rules, regulations or order of any court or competent authority as may be applicable. The Advertiser shall

procure afresh Structural Engineer's Certificates where the period of validity of the Structural Engineer's Certificate last issued has expired; or enclose the existing Structural Engineer's Certificate to the effect that the same is still valid and that upon inspection the Advertisement continuous to be safe.

**(6) Violation of the Terms and Conditions of a License**

- (i) In the event that the Board determines that there has been any violation of these By-Laws or of any terms and conditions of a License by an Advertiser, the Board shall have the power to cancel the License forthwith: or issue to the violating Advertiser a Rectification Notice.
- (ii) If an Advertiser to whom a Rectification Notice has been issued fails to rectify the violation within the period and in the manner specified in the Rectification Notice, the Board shall itself rectify the violation at the risk and cost of the Advertiser and cancel the respective License.

**8. Renewal of License**

- (1) Upon the expiry of License, the Adviser may make a further application for renewal of License in the form and manner prescribed under these Bye-Laws in respect of the submission of Applications and Bids. Such renewal may be subject to revised terms and conditions and such Advertisement Fee as are enforceable at the relevant time, in respect of the License.
- (2) The grant of a License or the renewal thereof shall not under any circumstances create any vested right or interest in respect of Advertisement on any Site in favour of any Advertiser.

## **9. Review against the rejection of Applications or Bids**

- (1) Any Advertiser whose Application or Bid has been rejected may file an application for review against such decision, to the Board.
- (2) All applications for review under this By Law shall be made within 15 days of the date of rejection.

## **10. Appeal**

If an Advertiser remains aggrieved after revision by the Board pursuant to By-Law 9, such Advertiser may file an appeal before the Director Military Lands & Cantonment of Respective Region, Whose decision shall be final.

## **11. Procedure Applicable to the Board**

- (1) The Board Shall at all the times maintain;
  - (i) a register of License, which shall contain therein all Licenses issued by the Board , and such register shall be open to public inspection;
  - (ii) a list of |Structural Engineers which have been approved by the Board for the purposes of certifying Advertisements pursuant to and in accordance with these BY-Laws; and
  - (iii) a map showing each Site upon which Advertisement may be permitted by the respective Board in its jurisdiction, and a list of the Sites so identified.
- (2) Authorized Officials shall be appointed by the Board to regularly inspect and monitor all Advertisements.
  - (i) For this purpose Authorized Officials shall inspect all Sites on a half yearly basis to ensure that all Advertisements have been placed pursuant to a valid License and that the Advertisers have complied with these By-Laws.

- (ii) During such inspection, Authorized Officials shall be accompanied by a Structural Engineer, who shall perform random safety checks on Advertisements inspected and shall;
  - a. Issue Fresh structural Engineer's Certificates where the period of validity of the Structural Engineer's Certificates last issued has expired; at the sole cost, risk and expense of the respective Advertiser holding a License in respect of the subject Site; or,
  - b. Endorse the existing structure Engineer's Certificate to the effect that the same is still valid and that upon inspection the Advertisement continues to be safe.
- (iii) Authorized Officials shall thereafter prepare a report, accompanied by the Structural Engineer's Certificates, in respect of all Sites under their respective jurisdiction and present the same for the review of the Board. This report shall also be made available at the office of the Cantonment Board and open to the inspection of the public for a period 2 years from the date thereof.

## **12. Types of Advertisement**

### **(1) Billboard**

The size, shape, style and distance of the Bill Boards shall be regulated by the Cantonment Board having regard to the vicinity of Advertisement Site.

### **(2) Rooftop Advertisement**

- (i) Advertisement on roofs shall be permitted on commercial buildings only after obtaining approval from the owner of the building.
- (ii) Prior to the display or erection of any Advertisement on rooftops, a Structural Engineer must first inspect the relevant building and thereafter issue a Structural Engineer's certificate, additionally certifying that;

- a. The strength of the building is sufficient to Withstand the size and type of advertisement Proposed to be displayed or erected thereupon;
  - b. The Advertisement is structurally safe and wind resisting; and ,
  - c. The relevant building regulations permit the Placement of the proposed form of Advertisement thereupon.
- (iii) Rooftop Advertisement shall be subject to the size as to be determined by the Cantonment Board.

**(3) Pylon signs for on-premises advertising**

The permitting height of Pylon signs will be determined by the Cantonment Board.

**(4) Wall Panels**

No Wall Panel shall exceed the surface area on which it is placed.

**(5) Mobile Publicity**

- (i) A License shall be required in respect of Mobile Publicity and such Mobile Publicity must comply with all other laws, rules, regulations, as may be applicable thereto.
- (ii) Mobile Publicity shall not exceed the height and width of the vehicle; all advertisement thereupon shall only be painted or otherwise pasted thereupon to ensure that it does not in any way obscure or interfere with vehicular traffic or the visibility thereof;

**(6) Business Signs**

- (i) A License shall be required in respect of Business signs and such Business Signs must comply with all other laws, rules, and regulations, as may be applicable thereto.
- (ii) The Maximum surface area of each business signs will be determined by the Cantonment Board.

**(7) Advertisement painted on Shutters and Gates**

Advertisement shall only be painted onto shutters or gates and shall not exceed the surface area thereof.

**13. Customer's Obligations**

- (1) All Customers shall ensure that prior to display on any Site of such Advertisement as has been agreed between the respective Advertiser and Customer to be placed thereupon for any duration, whether with or without cost, the Customer shall obtained from the Advertiser, copies of the License in respect of the particular Advertisement; and a copy of the most recent valid Structural Engineer's Certificate in respect thereof.
- (2) The Customer shall take all measures as may be necessary to ensure that the copies of the documents provided to it by the Advertiser are in compliance with these By-Laws.

**14. Special powers of the Board**

- (1) The Board may require an Advertiser to display certain messages for public service or national cause for a specified duration as may be notified to be Advertiser by the Board; and to maintain in good condition, the Site on which the Advertisement is placed, each at the cost of Advertiser.

- (2) In the event of non-compliance, the Board shall forthwith remove any existing Advertisement from the Site and display such public service or other message as required and shall recovery the costs thereof from the Advertiser.

## **15. Offences and Penalties**

In the event of a violation of these By-Laws or of the terms and conditions of a License; which results in any harm or damage to any Person or property, the board shall claim from such Person or Advertiser such amount in damages as has been suffered as a result of the violation; and such amount as has been incurred by the Board in justifying the violation. This does not restrict any Advertiser or Customer from any claims that may be brought against the same by any Person or authority pursuant to any other laws, rules or regulations currently in force in Pakistan.

## **16. Indemnity**

No. suit, prosecution or other legal proceedings shall lie against any official of Cantonment Board in respect of anything done or attempted to be done by him in good faith under these By-laws.

## **17. Arbitration**

- (1) In case of any dispute between the Cantonment Board and the Advertiser the matter with consent of the parties may be referred to the Director Military Lands & Cantonments, who will act as sold arbitrator for the parties.
- (2) The reference to Arbitrator will be in addition to provisions of the Cantonment Act 1924 and not in derogation thereof.

