

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present:

Mr. Justice Mian Saqib Nisar

Mr. Justice Amir Hani Muslim

Mr. Justice Khilji Arif Hussain

CMA No.209-K of 2014 in C.P.
No.152-K of 2011 and CMAs
No.657 to 660-K of 2015 and CMA
No.869-K of 2015 in CMA No.209-
K of 2014.

*(Report of Karachi Cantonment Board
regarding Hoardings and signboards
installed with permission and without
permission)*

In attendance:

Mr. Salman Talibuddin, Additional Attorney General, Pakistan

Mr. Nisar Ahmed Durrani, Advocate General, Sindh

Mr. Adnan Karim, Additional Advocate General, Sindh

Mr. Mukesh Kumar Karara, Additional Advocate General, Sindh

Mr. Yasin Azad, ASC for Karachi Cantonment Board (**CMA No.869-K of 2015**)

Syed Jamil Ahmed, ASC and Mr. Khaleeq Ahmed, ASC for KMC

Mr. Nazar Hussain Dhoon, ASC for Defence Housing Authority

Mr. Sanaullah Noor Ghouri, ASC for Civil Aviation Authority

Mr. Sohail H.K. Rana, ASC for CEO, Karachi Cantonment

Rana Manzoor, CEO, Karachi Cantonment

Mr. Arfin Zubair Chaudhry, Additional CEO, Clifton, Karachi

Mr. Rabnawaz, CEO, Korangi, Karachi

Mr. Asif Ameer Khan, CEO

Ms. Ayesha Abro, Administrator, DMC

Lieutenant Colonel Khadim Hussain Changezi from Station Head Quarter, 5 Core

Lieutenant Imranul Haq, Senior Staff Officer, Legal to Commander Karachi

Lieutenant Shafiq-ur-Rehman, Assistant Director Legal Services, Naval

Mr. Muhammad Aslam Chaudhry, Legal Advisor, Karachi Cantonment

Syed Zahid Hussain, Officer Incharge, Control Room

Amicus curiae: Mr. Abdul Rehman, Advocate

Date of Hearing: 05.5.2016

ORDER

Amir Hani Muslim, J. In compliance with the Orders of this Court passed on 10.3.2016, the learned Additional Attorney General for Pakistan has placed before us an interim report reflecting that the meetings held in the Office of the Commissioner Karachi with the object to achieve city-wide uniformity for installation of Billboards and Hoardings. The interim report further reflects that all the stakeholders, who attended the meetings, proposed the amendments in the respective by-laws. The proposed amendments on the subject, annexed with the interim report, read as follows:-

- *“There are following types of advertisement:*
 1. Bill Boards/Hoardings : 45' x 15' (Max. Height 30 feet)
10' x 20' (Max. Height 20 feet)
60' x 20' (Max. Height 60 feet)
The total height of hoarding including board should not exceed 80 feet from ground.
 2. Pylons / Canopi : 6' x 12'
 3. Bridge Panel : Length as per Bridge & Height not exceeding 10 feet.
 4. Panel / Wall Panel : Length as per Area & Width 20 feet
 5. LED Screens : Maximum 1200 sq. feet. No other Board within 500 feet.
- *The Bill Boards / Hoardings on Roof Top and Over Handing on Footpath, Roads and Triangles are not allowed.*
- *Distance of 400 feet between the two bill boards must be maintained.*
- *High marks are not allowed.*

- *Apart from Pole Sign, no other type of hoarding should be allowed on Central Median / Triangle / Square and Roundabouts.*
- *Responsible organizations to ensure aesthetic beauty of the city & public safety.*
- *On boundaries of lands, 100 feet be left by each organization on either side.*
- *For pedestrian bridge minimum 3 feet space from walking track be left open for ventilation / security of pedestrian.*
- *Maximum allowed angle is upto 45 Degrees to the road.*
- *Every Contractor shall provide structural plane, stability certificate duly vetted by another Engineer registered with PEC.*
- *Third party insurance shall be carried out by Contractor for each board”.*

2. We have inquired from the learned Advocate General Sindh, present in Court, the view point of the Sindh Government on the issue of installation of Billboards and Hoardings on public properties. He has made a statement on behalf of the Sindh Government that no Billboards or Hoardings of any nature can be allowed to be installed on public properties. The learned Additional Attorney General was also of the view that Billboards and Hoardings cannot be installed on the public properties.

3. The term ‘public property’ has wide meaning and, therefore, we would like to clarify it in the order to avoid any ambiguity. The term ‘public property’ shall include the following places:

- “(i) Roads.
- (ii) Sidewalks.
- (iii) Islands in the centre of a road/service lane – including but not limited to ‘Sponsored Islands’ whereby the entire Island is maintained by a private person who displays his name and products on the traffic signs.
- (iv) Overhead Bridges and Underpasses.
- (v) Overhead pedestrian walkways/bridges.

- (vi) Roundabouts – including but not limited to ‘Sponsored Roundabouts’ whereby the entire Roundabout is maintained by a private person/or any organization who displays his or their name and products on the traffic signs.
- (vii) Green Belts/Dividers between a road.
- (viii) Pedestrian lanes.
- (ix) Nullahs (Storm Water Drains) and the banks of Nullahs (Storm Water Drains) which abut roads.

Notes:

- (i) Traffic signs i.e. signs set up by the Traffic Department providing directions are permissible on these locations but should not be ‘**Sponsored Traffic Signs**’ i.e. Traffic Signs that are sponsored by private persons and display their name and products on the traffic signs.
- (ii) Signboards located within a plot not listed above but which **in any manner** “overhang” any of the areas listed above”.

4. We have heard Mr. Abdul Rehman Advocate as *amicus*, the learned Additional Attorney General for Pakistan, Advocate General Sindh and Administrators of District Town Committees. There is no law which permits K.M.C., D.M.C., Cantonment Boards or any other agency in Karachi to install Billboards or Hoardings on a public property. Such an act on the part of permission granting agency is against the civil rights of the citizens. The civil rights of the citizens cannot be hampered with by erecting the Billboards or Hoardings on the civic amenity meant for the use and benefit of public at large besides such an act would endanger the life and property of the common man.

5. As a first step, we are of the considered view that no Billboard or Hoarding can be permitted to be installed on any public property as defined in the preceding paragraph by any authority under the garb of by-laws which militate the civil rights of the public at large. Therefore, all the

concerned authorities are directed to immediately remove all the Billboards/Hoardings installed without permission within their jurisdiction within 15 days from today and report compliance.

6. The Billboards/Hoardings which have been installed in the public properties under any license or lease shall be uprooted by 30th June, 2016 by the concerned advertising agencies which own that poles or displaying materials or by the contractors if they own such material or by the authorities with whose permission the Billboards or Hoardings have been installed. In the intervening period, no permission shall be granted by any of the authority in Karachi to install the Billboard/Hoarding on any portion of public place/property as clarified hereinabove.

7. The learned Additional Attorney General is further directed to hold meetings, within a month, with all the stakeholders who grant permission for installation of such Billboards/Hoardings in Karachi to finalize the amendments in the proposed by-laws applicable beyond the public properties so that city-wide uniformity could be achieved on the one hand and safety measures of the citizens of Karachi shall be ensured on the other hand. The proposed meetings shall be attended by the Advocate General Sindh, as well. The learned Additional Attorney General shall submit report within one month.

8. Copy of this Order be faxed and sent to the Registrar, Sindh High Court for placing it before the learned Chief Justice and all the learned Judges for their information. Office shall also send copies to the learned *Amicus Curiae*, the learned Additional Attorney General and the learned Advocate General Sindh.

9. Office is directed to re-list this matter after 30th June, 2016. All the authorities concerned shall submit their compliance reports in the light of above referred directions.

Judge

Judge

Judge

Karachi, the
5th May, 2016