

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. PIII
G A Z E T T E

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, WEDNESDAY, 2ND APRIL 2014

PROVINCIAL ASSEMBLY SECRETARIAT,
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 2nd April, 2014.

No. PA/Khyber Pakhtunkhwa/Bills/2014/10656.—The Khyber Pakhtunkhwa Hotels Restriction (Security) Bill, 2014 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 21st March, 2014 and assented to by the Governor of the Khyber Pakhtunkhwa on 27th March, 2014 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA HOTELS RESTRICTION (SECURITY) ACT, 2014

(KHYBER PAKHTUNKHWA ACT NO. XVIII OF 2014)

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa, (Extraordinary), dated the 2nd April, 2014).

AN ACT

to provide a mechanism for monitoring the hotels and guests staying in the said hotels.

WHEREAS it is expedient to provide mechanism for monitoring the business of hotels and guests staying in the said hotels for the purposes of counter terrorism and effectively combating crime in the Province of the Khyber Pakhtunkhwa;

It is hereby enacted as follows:

1. **Short title, extent and commencement.**—(1) This Act may be called the Khyber Pakhtunkhwa Hotels Restriction (Security) Act, 2014.

(2) It shall extend to the whole of the Province of the Khyber Pakhtunkhwa.

(3) It shall come into force at once.

2. Definitions.---In this Act, unless the context otherwise requires,-

- (a) "Code" means the Code of Criminal Procedure, 1898 (V of 1898);
- (b) "Government" means the Government of the Khyber Pakhtunkhwa;
- (c) "guest" means a person, who is in possession or enjoyment of accommodation, engaged for him for monetary consideration;
- (d) "hotel" means a building whether registered or otherwise but exclusively or mainly used, for providing accommodation to guests for a money consideration and includes guest house, lodging house, tourist motel, serai and all the other enclosures used as residence for limited period;
- (e) "hotel acknowledge receipt" means receipt issued by the incharge of the police station concerned;
- (f) "lessee" means a person to whom a lease of the hotel is granted;
- (g) "manager" means a person, who is employed by the owner for the management of the hotel;
- (h) "owner" means a person whose name the property is registered or who receives or is entitled to receive payment from a guest on account of accommodation provided, and include a person managing as an agent or trustee or otherwise;
- (i) "prescribed" means prescribed by rules;
- (j) "Province" means the Province of the Khyber Pakhtunkhwa; and
- (k) "rules" mean rules made under this Act.

3. Information to police station.---(1) On coming into force of this Act, the owner, the lessee or the manager, as the case may be, shall give the details of the hotel to the local police station within seven (7) days. The details shall be regarding the registration of hotel, capacity and the management.

(2) The Station House Officer of the concerned police station shall issue hotel acknowledgement receipt to the owner, the lessee or the manager, as the case may be.

(3) The owner, the lessee or the manger, as the case may be, of a hotel, which shall start functioning after the commencement of this Act, shall be required to provide all information as provided in sub-section (1), to the local police station within three (3) days after it starts functioning.

4. Identification of guest.---(1) The owner or the lessee or the manager, as the case may be, shall not allow any guest to stay in hotel unless he is satisfied with the credentials of the guest intending to stay. For this purpose, the owner or the lessee, or the manager, as the case may be, shall obtain the National Identity Card of the guest and shall verify it through the NADRA Verisys.

(2) The owner, the lessee or the manager, as the case may be, shall be responsible for maintaining the following particulars of the guests:

- (a) names and addresses;
- (b) arrival and departure dates;
- (c) purpose of visit; and
- (d) copy of the National Identity Card of the guest with verifying report of the manager.

(3) Complete details of reference of the guest with address and contact number shall be procured by the owner or lessee or manager.

5. **Baggage of guest.**---The owner, the lessee or the manager, as the case may be, shall not allow any guest to stay unless luggage or baggage of the guest is properly checked in order to ensure that it does not contain any explosive material or arms or ammunition, hate and seditious material.

6. **Un-authorized guest.**---No person other than the guest to stay in the room of the hotel without due verification as mentioned for the guest in section 3 of this Act.

7. **Intimation to police.**---(1) The owner, the lessee or the manager, as the case may be, shall be responsible to intimate information of the guests to local police on daily basis. This information shall be made through e-mail, fax or any other source.

(2) The owner, the lessee or the manager, as the case may be, shall be required to maintain a computerized database of the guests with relevant information.

8. **Central database.**---After commencement of this Act, Government shall provide necessary assistance to Police Department of the Province for the development of central database of the guests in the form of hardware and software at the shortest possible time.

9. **Powers of police.**---(1) Any concerned police officer not below the rank of Assistant Sub-Inspector, may inspect the guest record of the hotel.

(2) The police officer, inspecting, may also check the guest staying in the hotel in the presence of the owner, lessee or manager.

10. **Penalties.**---Whoever, contravenes the provisions of sections 3 to 7 of this Act, shall be punished with imprisonment which may extend to one year or with fine or with both.

11. **Application of Code.**---(1) The provisions of the Code shall mutatis mutandis applicable to this Act.

(2) The offence under this Act shall be cognizable.

(3) The offences under this Act shall be tried by a Judicial Magistrate of First Class of the concerned district, having jurisdiction in it.

12. Operation of other laws.---The provisions of this Act shall be in addition to and not in derogation of, any other law for the time being in force.

13. Indemnity.---No suit or other proceeding shall lie against any person for anything done or intended to be done, in good faith under this Act or rules made thereunder.

14. Power to make rules.---Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

15. Repeal.--- The Khyber Pakhtunkhwa Hotels Restriction (security) Ordinance, 2014 (Khyber Pakhtunkhwa Ordinance No. IV of 2014) is hereby repealed.

**BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA**

(AMANULLAH)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa



KHYBER PAKHTUNKHWA

Published by authority

PESHAWAR, FRIDAY, 7TH FEBRUARY, 2014.

GOVERNMENT OF THE KHYBER PAKHTUNKHWA
LAW, PARLIAMENTARY AFFAIRS AND HUMAN RIGHTS
DEPARTMENT

NOTIFICATION

Dated Peshawar, the 7th February, 2014
No. LEGIS: 1(36) 2013. - The following Ordinance by the Governor of the Khyber Pakhtunkhwa is hereby Published for general information:

**THE KHYBER PAKHTUNKHWA SENSITIVE AND VULNERABLE
ESTABLISHMENTS AND PLACES (SECURITY)
ORDINANCE, 2014.
(KHYBER PAKHTUNKHWA ORDINANCE NO. V OF 2014)**

AN ORDINANCE

*to provide for the security of
sensitive and other vulnerable establishments and places
in the Province of the Khyber Pakhtunkhwa*

WHEREAS it is expedient to curb the terrorist activities and to provide for the security of sensitive and other vulnerable establishments and places in the Province of the Khyber Pakhtunkhwa;

AND WHEREAS the Provincial Assembly is not in session and the Governor of the Khyber Pakhtunkhwa is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 128 of the Constitution of the Islamic Republic of Pakistan, the Governor of the Khyber Pakhtunkhwa is pleased to make and promulgate the following Ordinance:

1. Short title, extent, and commencement. --- (1) This Ordinance may be called the Khyber Pakhtunkhwa Sensitive and Vulnerable Establishments and Places (Security) Ordinance, 2014.

(2) It shall extend to the whole of the Province of the Khyber Pakhtunkhwa.

(3) It shall come into force at once.

2. Definitions. --- In this Ordinance, unless the context otherwise requires:-

- (a) “Code” means the code of Criminal Procedure, 1898 (Act No. V of 1898);
- (b) “Committee” means the Security Advisory Committee constituted under section 4 of this Ordinance;
- (c) “District Government” means the District Government as provided in the Local Government Act, 2013 (Khyber Pakhunkhwa Act No. XXVIII of 2013);
- (d) “Government” means the Government of the Khyber Pakhtunkhwa;
- (e) “head of the district Police” means the Capital City Police Officer for City District Government or the District Police Officer for the rest of the districts, as the case may be;
- (f) “prescribed” means prescribed by rules;
- (g) “Province” means the Province of the Khyber Pakhtunkhwa;
- (h) “rules” means rules made under this Ordinance;
- (i) “security arrangements” means both physical and technical arrangement, including provision of CCTV cameras, bio-metric system, walkthrough gates, security alarm and modern gadgetry;
- (j) “sensitive establishments and places” means and include sensitive Government or non-government institutions, religious places, offices of non-governmental organizations, and foreign projects or any other office, institution or place as Government may, from time to time, declare as sensitive establishment and place; and
- (k) “utility service providers” means and include any person, company, authority, firm who for the time being is providing the services of electricity, gas telephone, water and sanitation, drainage, postal and other civic services;
- (l) “vulnerable establishment and places” means and include hospitals, banks, money changers, financial institutions, firms, companies, industrial units, educational institutions, public parks, private clinic, wedding halls, petrol and CNG stations, jewelry shops, hotels (three stars and above), any amusement or entertainment centers, public transport terminals, special bazaars, commercial streets, shops or shopping arcades, or any other place as Government may, from time to time, notify.

3. Security arrangements by vulnerable establishments and places. --- Notwithstanding anything contained in any other law, for the time being in force, on the commencement of this Ordinance, all vulnerable establishments and places shall make appropriate and sufficient security arrangements for themselves.

4. Constitution of the Committee. --- For the purpose of security of sensitive establishment and places, Home Department of the Government shall constitute, at each district level, a Committee to be known as the Security Advisory Committee, comprising the following:

- | | | |
|-----|---|----------|
| (a) | Assistant Commissioner of the district concerned to be nominated by the Deputy Commissioner; | Chairman |
| (b) | Deputy Superintendant of Police of the district Concerned to be nominated by District Police Officer; | Member |
| (c) | an officer from Special Branch Police, not below the rank of BPS-17; and | Member |
| (d) | one technical expert, to be nominated by the Committee. | Member |

5. Functions of the Committee. --- (1) Each Committee, at the district level, shall exercise the following functions:

- (a) to identify and categorize the sensitive establishments and places;
- (b) to inspect the sensitive establishment and places on quarterly basis;
- (c) to issue advice in writing to the head, incharge or management of the sensitive establishment and place for such security arrangements as they deem appropriate;
- (d) to send its report to the head of the district police for non-compliance of its advice; and
- (e) to send recommendation to Government through the head of the district police, for the notification of sensitive establishment or place.

(2) On the recommendation of the Committee, Government shall, notify the sensitive establishments and places and categorize them according to threat perception.

(3) The head, incharge or management of the sensitive establishment or place, as the case may be, shall be responsible to implement the advice within thirty (30) days after the receipt of such advice.

6. Security of public places. --- (1) For the safety and security of vulnerable establishments and places, in each District, the utility service providers shall be responsible to ensure that no unauthorized intervention has been made to their installations nor any suspicious material has been planted. For this purpose, they shall detail the inspection team consisting of such number of members as they may deem appropriate in order to check the installations on regular basis.

(2) The District Government shall be responsible for clearance of roads, streets from debris or construction material, managing filth depots on daily basis, covering main holes and removing broken water supply pipes so that no explosive materials could be concealed therein. For this purpose, they shall detail inspection team consisting of such number of members as the District Government may deem appropriate in order to check

the security arrangement on regular basis. In case of any suspicious material is detected, District Government Administration shall inform the civil defence, police and Special Branch Police immediately in this regard.

7. Responsibility on the head of the institution. --- (1) In case of Government institutions or offices, the head of each such institution or office, as the case may be, shall be responsible for implementation of the advice of the Committee:

Provided that the government may delegate the powers to the extent of security to a designated officer of BPS-17 and above.

(2) In case of non-governmental organizations, religious places and any other notified place, the head of such institution, organization or place shall be responsible for the security arrangements.

(3) The responsibility of vulnerable establishments or places, shall be on the owner, lessee or the occupant of such vulnerable establishment or place, for making security arrangement according to the size and volume of a vulnerable establishment or place.

8. Inspection. --- The Station House Officer of the concerned police station may, at any time, inspect any sensitive establishment and place or vulnerable establishment and place or any other place notified by Government as sensitive establishment and place or vulnerable establishment and place for the purpose of this Ordinance.

9. Warning. --- (1) On the inspection report, received from the Station House Officer of the concerned police station, for non-compliance of advice, given under clause (c) of sub-section (1) of section 5, the head of the district police, may issue a written warning to the person responsible for the notified sensitive establishment or place.

(2) The head, incharge, or management of any sensitive establishment and place, shall within fifteen (15) days, after receiving the warning from the head of the district police, rectify and implement the advice of the Committee.

10. Appeal. --- The head, incharge, or management of any sensitive establishment and place, to whom advice has been given, as per provision of clause (c) of sub-section (1) of section 5, may prefer an appeal to the regional police officer within seven (7) days, after receiving of advice from the Committee. The order of the Appellant Authority, in this respect, shall be final.

11. Complaint by police. --- In case of non-compliance, after the warning issued by the head of the district police, the incharge of the concerned police station shall lodge a complaint against the head, incharge, or management of such sensitive establishment and place, in the Court of the First Class Judicial Magistrate, with the request to suspend the operation of such sensitive establishment and place.

12. Punishment. --- The head, incharge or management of any sensitive establishment and place or vulnerable establishment and place, as the case may be, who acts in violation of the provision of this Ordinance, shall be punishable for imprisonment, which may extend to one year or a fine, which may extend to forty thousand (40000) rupees or with both:

Provided that if the offence be of a continuous nature, such sensitive establishment or place or vulnerable establishment or place, as the case may be, shall be kept sealed till the order is complied with.

13. Trial of offence. --- All offences, under this Ordinance, shall be tried by the First Class Judicial Magistrate, in accordance with the procedure prescribed for summary trial in the Code.

14. Operation of other laws not to be affected. --- The provisions of this Ordinance shall be in addition to, and not derogation of, any other law, for the time being in force.

15. Indemnity. --- No suit or other proceedings shall lie against any person for anything done or intended to be done in good faith under this Ordinance or rules made there under.

16. Power to make rules. --- Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

Peshawar,
Dated the 07 Feb: 2014

(Engr: SHAUKAT ULLAH)
Governor of the Khyber Pakhtunkhwa.

Muhammad Arifeen
Secretary to Government of Khyber Pakhtunkhwa,
Law, Parliamentary Affairs and Human Rights
Department

The Khyber Pakhtunkhwa Restriction of Rented Buildings (Security) Act, 2014.

(KHYBER PAKHTUNKHWA ACT NO.XIV OF 2014)

AN ACT

*to provide mechanism for monitoring the business of rented buildings
in the Province of the Khyber Pakhtunkhwa.*

WHEREAS it is expedient to provide mechanism for monitoring the business of rented buildings for the purposes of counter terrorism and effectively combating crime in the Province of the Khyber Pakhtunkhwa;

It is hereby enacted as follows:

1. Short title, extent and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Restriction of Rented Buildings (Security) Act, 2014.

(2) It shall extend to the whole of the Province of the Khyber Pakhtunkhwa.

(3) It shall come into force at once.

2. Definitions.---In this Act, unless the context otherwise requires,-

(a) “Code” means the Code of Criminal Procedure, 1898 (V of 1898);

(b) “Government” means the Government of the Khyber Pakhtunkhwa;

(c) “landlord” means a person or body on whose name the building stands registered in Government records;

(d) “lessee” means a person to whom the building is given by the landlord on lease;

(e) “manager” means a person, who is employed or duly authorized by the landlord for the management of the rented building;

(f) “prescribed” means prescribed by rules;

(g) “private hostel” means any hostel other than student hostel;

(h) “property dealer” means the property dealer, who deals the rented buildings for monetary consideration;

(i) “Province” means the Province of the Khyber Pakhtunkhwa;

(j) “rented building” means any building which is given or rented and include private hostels and student hostels;

(k) “rules” mean rules made under this Act;

- (l) “student hostel” means building used by educational institutions including madrassas for accommodation of their enrolled students;
- (m) “tenant” means a person to whom a building is given on rent by the owner, lessee or the manager, as the case may be; and
- (n) “tenant acknowledgment receipt” means receipt issued by the incharge of the concerned police station to the landlord, manager or the lessee, as the case may be.

3. Rent agreement.---(1) Whenever the landlord, the lessee or the manager, as the case may be, agrees to allow any person other than his legal heirs to occupy his rented building, he shall reduce the agreement in writing on legal document, which shall be signed by the landlord, the lessee or the manager, as the case may be, and the tenant. The agreement shall contain meaningful information about the tenant through which the identity of the tenant could be verified.

(2) The landlord, the lessee or the manager, as the case may be, shall exercise due care and prudence in verification of the credentials of the tenant so that the rented building may not be used for any illegal or terrorist activities.

(3) The landlord, the lessee or the manager, as the case may be, shall get minimum two references of known persons, who shall verify the credentials of the tenant. The complete particulars of the reference in the form of National Identity Card and contact number shall be obtained and reference shall be given in the rent agreement.

(4) The rent agreement shall be further attested by the Notary Public.

4. Information with regard to rent agreement.---(1) The landlord, the lessee or the manager, as the case may be, and the property dealer where the rented building is given through such property dealer, shall provide the following information **in the form as may be prescribed** to the police station within **seven days excluding public holidays** of signing of the agreement:

- (a) attested copy of the rent agreement;
- (b) attested copy of National Identity Card of tenant;
- (c) names and copies of the National Identity Cards with contact number of two references, who identify the tenant; and
- (d) particulars of the male members above the age of fourteen years living or residing with the tenant.

(2) After being satisfied, the incharge of the local police station, shall issue “tenant acknowledgment receipt” to the landlord, the lessee or the manager, as the case may be, on the submission of the requisite information. He shall also incorporate the entry in the Daily Diary, maintained in such police station.

(3) The landlord, the lessee or the manager, as the case may be, shall provide one attested copy of the tenant acknowledgement receipt to the tenant.

(4) Any concerned police officer, not below the rank of Assistant Sub-Inspector, may inspect any rented building alongwith the landlord, the lessee or the manager, as the case may be. The landlord, the lessee or the manager, as the case may be, shall facilitate the police during inspection.

5. Hostels.---(1) No landlord, lessee or manager of a private hostel or student hostel, as the case may be, shall not allow any person other than enrolled student to stay therein.

(2) Private hostels and student hostels, shall maintain complete record of all persons staying therein, as required in section 3 of this Act, and shall produce it to the concerned police when required.

(3) No private hostel or student hostel, shall allow any tenant to keep any arms or ammunition, explosive or hate and seditious material:

Provided that the landlord, the lessee or the manager, as the case may be, of such hostel may keep a licensed arms or ammunition for the purpose of the safety of such hostels and students registered therein.

(4) The landlord, the lessee or the manager, as the case may be, shall make formal arrangement for checking of hostel rooms in order to ensure compliance with the provisions of this Act.

6. Powers of police.--- The in-charge of the local police station, may call copy of the ownership, rent agreement and copy of tenant acknowledgment receipt, from any tenant of the rented building for verification. The tenant shall produce all such related documents provided in section 4 to the police, within twenty-four (24) hours.

7. Responsibilities of police.---(1) The in-charge of the local police station, shall be responsible to maintain record of all rented buildings and tenants, falling in the jurisdiction of such police station.

(2) The local police station, shall prepare a computerized database for such rented buildings.

8. Central database.---(1) After commencement of this Act, Government shall provide necessary assistance to Police Department of the Province for the development of central database of the tenants in the form of hardware and software at the shortest possible time.

(2) Standardized software prepared for this purpose shall be utilized throughout the Province.

9. Assistance by Revenue and Estate Department.---The Revenue and Estate Department of the Government, shall be bound to provide any information regarding ownership of the rented buildings to the police.

10. Penalties.---(1) Whoever, contravenes the provisions of sections 3 to 6 of this Act, shall be punished with imprisonment which may extend to one year or with fine or with both.

(2) In case of the reasonable grounds, the police finds that the landlord, the lessee, the manager or the property dealer, as the case may be, was aware of the criminal designs of the tenant or he has not exercised due care in verification of the credentials of the tenant, he may be charged for the abetment of the offence committed by the tenant.

11. Application of Code.---The provisions of the Code shall mutatis mutandis applicable to this Act.

12. Cognizance.---The offence under this Act shall be cognizable., non-bailable and shall be tried by a Judicial Magistrate of First Class of the concerned district, having jurisdiction.

- 13. Operation of other laws.**---The provisions of this Act shall be in addition to and not in derogation of, any other law for the time being in force.
- 14. Indemnity.**---No suit or other proceeding shall lie against any person for anything done or intended to be done, in good faith under this Act or rules made thereunder.
- 15. Power to make rules.**---Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.
- 16. Repeal.**--- The Khyber Pakhtunkhwa Restriction of Rented Buildings (Security) Ordinance, 2014 (Khyber Pakhtunkhwa Ordinance No. III of 2014) is hereby repealed.

**By ORDER OF MR.SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA**

**(AMANULLAH)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa**