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PROVINCIAL ASSEMBLY SECRETARIAT KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 16th January, 2015

No. PA/Khyber Pakhtunkhwa/Bills/2015/1708.- The Khyber Pakhtunkhwa Sensitive and Vulnerable Establishment and Places (Security) Bill, 2015 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 6th January, 2015 and assented to by the Governor of the Khyber Pakhtunkhwa on 13th January, 2015 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA SENSITIVE AND VULNERABLE ESTABLISHMENT AND PLACES (SECURITY) ACT, 2015

(KHYBER PAKHTUNKHWA Act No. III of 2015)

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa (Extraordinary), dated the 16th January, 2015)

AN
ACT

*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;

It is hereby enacted as follows:

1. **Short title, extent, and commencement.** --- (1) This Act may be called the Khyber Pakhtunkhwa Sensitive and Vulnerable Establishments and Places (Security) Act, 2015.

(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 (Act No. V of 1898);
- (b) “Committee” means the Security Advisory Committee constituted under section 4 of this Act;
- (c) “District Government” means the District Government as provided in the Local Government Act, 2013 (Khyber Pakhtunkhwa 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 Act;
- (i) “security arrangements” means sufficient and appropriate physical and technical arrangement, including provision of CCTV cameras, bio-metric system, walkthrough gates, security alarm and modern gadgetry; as required.
- (j) “sensitive establishments and places” means and include sensitive Government or non-government institutions, offices of non-governmental organizations, and foreign projects or any other office, institution, religious places 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. ---

- i. Notwithstanding anything contained in any other law, for the time being in force, on the commencement of this Act, all vulnerable establishments and places shall make appropriate and sufficient security arrangements **in accordance with the** provisions of this Act.
- ii. The Head of the District Police may, from time to time issue such security guidelines to the heads of Vulnerable Establishments and Places, as he may deem appropriate.

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:

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| (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 may, notify the sensitive establishments and places and categorise 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 Act.

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. OFFENCES.--- All offences under this act shall be cognizable and bailable.

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 Act, 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 Act, shall be tried by the First Class Judicial Magistrate.

14. **Operation of other laws not to be affected.** --- The provisions of this Act 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 Act or rules made there under.

16. **Power to make rules.** --- Government may, on the advice of Provincial Police Officer, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

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

(AMANULLAH)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa