

EXTRAORDINARY

GOVERNMENT



REGISTERED NO. PIII

GAZETTE

## **KHYBER PAKHTUNKHWA**

Published by Authority

PESHAWAR, TUESDAY, 4TH FEBRUARY, 2014.

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

#### **NOTIFICATION**

Dated Peshawar, the 4th February, 2014.

No. Legis:1(39)13.—The following Ordinance by the Governor of the Khyber Pakhtunkhwa is hereby published for general information.

#### **THE KHYBER PAKHTUNKHWA HOTELS RESTRICTION (SECURITY) ORDINANCE, 2014.**

**(KHYBER PAKHTUNKHWA ORDINANCE NO. IV OF 2014)**

#### **AN ORDINANCE**

*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;

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:

It is hereby enacted as follows:

(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 (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 Ordinance.

3. **Information to police station.**---(1) On coming into force of this Ordinance, 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 manager, as the case may be, of a hotel, which shall start functioning after the commencement of this Ordinance, 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 Ordinance.

**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 promulgation of this Ordinance, 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 Ordinance, 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 Ordinance.

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

(3) The offences under this Ordinance 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 Ordinance 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 Ordinance 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 Ordinance.

Peshawar,  
Dated 31s January, 2014.

Engr. SHAUKAT ULLAH  
Governor of the Khyber Pakhtunkhwa

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MUHAMMAD ARIFEEN  
Secretary to Government of the Khyber Pakhtunkhwa  
Law, Parliamentary Affairs and Human  
Rights Department.