

EXTRAORDINARY

GOVERNMENT



REGISTERED NO. P.III

G A Z E T T E

KHYBER PAKHTUNKHWA

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

NOTIFICATION

Dated Peshawar, the 4th February, 2014.

No. Legis:1(38)13.—The following Ordinance by the Governor of the Khyber Pakhtunkhwa is hereby published for general information:

THE KHYBER PAKHTUNKHWA RESTRICTION OF RENTED BUILDINGS (SECURITY) ORDINANCE, 2014.

(KHYBER PAKHTUNKHWA ORDINANCE NO. III OF 2014)

AN ORDINANCE

*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;

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:

1. **Short title, extent and commencement.**---(1) This Ordinance may be called the Khyber Pakhtunkhwa Restriction of Rented Buildings (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 (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 Ordinance;
- (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 or the Oath Commissioner.

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 to the police station within three days 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 Ordinance, 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 Ordinance.

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 promulgation of this Ordinance, 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 Ordinance, 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 Ordinance.

12. **Cognizance.**---The offence under this Ordinance 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 Ordinance 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 Ordinance 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 Ordinance.

Peshawar,
Dated 31s January, 2014.

Engr. SHAUKAT ULLAH
Governor of the Khyber Pakhtunkhwa

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

