

EXTRAORDINARY  
GOVERNMENT

Session #1  
Sitting #6



REGISTERED NO. PIII  
GAZETTE

## 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 Khyber Pakhtunkhwa 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" mean rules made under this Ordinance;
- (i) "security arrangements" mean both physical and technical arrangements, including provision of CCTV cameras, bio-metric system, walkthrough gates, security alarm and modern gadgetry;
- (j) "sensitive establishment and places" mean 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;
- (k) "utility service providers" mean 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; and
- (l) "vulnerable establishment and places" mean and include hospitals, banks, money changers, financial institutions, firms, companies, industrial units, educational institutions, public parks, private clinics, 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 establishments 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 Superintendent 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 establishments 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 arrangements 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 purposes 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 (07) days, after receiving of advice from the Committee. The order of the Appellate 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 provisions of this Ordinance, shall be punishable for imprisonment, which may extend to one year or a fine, which may extend to forty thousand (40,000) 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 in 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 thereunder.

**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 7th February, 2014.

**Engr. SHAUKAT ULLAH**  
Governor of the Khyber Pakhtunkhwa

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

10. The Government of Khyber Pakhtunkhwa, in exercise of its powers conferred by sub-section (1) of section 13 of the Government of Khyber Pakhtunkhwa (Provision of Services) Act, 2009, hereby directs that the Government of Khyber Pakhtunkhwa shall be responsible for the provision of services to the people of the Province.

11. In exercise of its powers conferred by sub-section (1) of section 13 of the Government of Khyber Pakhtunkhwa (Provision of Services) Act, 2009, the Government of Khyber Pakhtunkhwa hereby directs that the Government of Khyber Pakhtunkhwa shall be responsible for the provision of services to the people of the Province.

12. The Government of Khyber Pakhtunkhwa, in exercise of its powers conferred by sub-section (1) of section 13 of the Government of Khyber Pakhtunkhwa (Provision of Services) Act, 2009, hereby directs that the Government of Khyber Pakhtunkhwa shall be responsible for the provision of services to the people of the Province.

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Engr. SHAUKAT HILALI  
Secretary to the Government of Khyber Pakhtunkhwa

MUHAMMAD ARIF  
Secretary to Government of Khyber Pakhtunkhwa  
Law, Government Affairs and Finance  
Khyber Pakhtunkhwa