

CONFIDENTIAL

Not to be released for publication in the press before presentation to the Assembly

PROVINCIAL ASSEMBLY OF THE PUNJAB REPORT OF THE STANDING COMMITTEE ON HOME AFFAIRS REGARDING THE PUNJAB SECURITY OF VULNERABLE ESTABLISHMENT BILL 2015 (BILL NO. 1 OF 2015)

The Punjab Security of Vulnerable Establishment Bill 2015 (Bill No. 1 of 2015) was referred to the Standing Committee on Home Affairs on 11 February, 2015. The Committee considered the bill in its meetings held on 20 & 25 February 2015.

2. The following were present:—

- | | | |
|----|---|----------|
| 1. | Makdum Syed Muhammad Masood Alam, MPA (PP-285) | Chairman |
| 2. | Major (Retd) Moeen Nawaz Warraich, MPA (PP-109) | Member |
| 3. | Rana Muhammad Afzal, MPA (PP-128) | Member |
| 4. | Mrs Kanwal Nauman, MPA (W-321) | Member |
| 5. | Mr Awais Qasim Khan, MPA (PP-132) | Member |
| 6. | Ch Aamar Sultan Cheema, MPA (PP-32) | Member |
- (attended on 25 February 2015)

3. Dr Shoaib Akbar, Special Secretary, Home Department and Mr Mohsin Abbas Syed, Director, Law and Parliamentary Affairs Department represented their Departments. Syed Yawar Abbas, Assistant Secretary (Committees), Provincial Assembly of the Punjab functioned as Secretary to the Committee.

4. The Special Secretary, Home Department apprised the Committee about the aims and objects of the bill stating that it was expedient to make arrangements for the security of vulnerable establishments *inter alia* to prevent acts of terrorism and other crimes, to obtain evidence by use of modern devices for investigation and prosecution of offences. He apprised the Committee about the establishment of Security Advisory Committee and its functions. He stated that the Committee would identify and recommend the establishments for notification as vulnerable establishment; it would inspect a vulnerable establishment on quarterly basis. It would issue advice, in writing, to the manager of a vulnerable establishment for such security arrangements as may be necessary on the basis of threat perception, resources at the disposal of the establishment and other related factors; and send report to the Head of District Police in case of non-compliance of any advice. He requested the Committee that the bill, as introduced, may be recommended for passage by the Assembly.

Contd...P/2

5. The Committee after hearing the Members, having the view point of the Administrative Department and discussing various points, unanimously decided to recommend that the bill may be passed by the Assembly subject to the following amendments:-

AMENDMENTS IN THE BILL

(1) **CLAUSE 4**

In sub-clause (1), in para (d) before the word "Head" the words "District Coordination Officer and" be added.

(2) **CLAUSE 9**

Clause 9 be substituted as under

"9. Inspection by Police.— The Police Officer incharge of the Police Station may, at any time, inspect any vulnerable establishment and submit his report to the Chairperson of the Committee under intimation to the District Coordination Officer and Head of District Police."

(3) **CLAUSE 10**

in sub-clause (1), the words "Station House Officer" occurring in line 2, be substituted by the words "Police Officer incharge of the Police Station"

(4) **CLAUSE 11**

in sub-clause (2), the words "Station House Officer" occurring in line 1, be substituted by the words "Police Officer incharge of the Police Station"

(5) **ADDITION OF NEW CLAUSE 18**

the following new clause 18 be added and subsequent clauses be renumbered accordingly:

"18. Annual Report.—(1) Every Head of District Police shall send a monthly implementation report to the Government under this Act.

(2) The Government shall, before 31 March each year, submit a consolidated implementation annual report in the Provincial Assembly of the Punjab relating to the preceding year containing summary of the activities and recommendations for implementation of the Act."

6. A copy of the bill as introduced in the Assembly is at Annexure-A and a copy of the bill as recommended by the Committee is at Annexure-B.

Lahore
25 February, 2015

(MAKDUM SYED MUHAMMAD MASOOD ALAM)
Chairman
Standing Committee on Home Affairs

Lahore
25 February, 2015

Mumtaz Hussain
(RAI MUMTAZ HUSSAIN BABAR)
Secretary

PROVINCIAL ASSEMBLY OF THE PUNJAB

BILL NO. 01 OF 2015

THE PUNJAB SECURITY OF VULNERABLE ESTABLISHMENTS BILL 2015

A
BILL

to provide for effective security arrangements of vulnerable establishments.

Whereas it is expedient to make arrangements for the security of vulnerable establishments *inter alia* to prevent acts of terrorism and other crimes, to obtain evidence by use of modern devices for investigation and prosecution of offences, and to deal with ancillary matters;

It is enacted as follows:

1. Short title, extent and commencement.— (1) This Act may be cited as the Punjab Security of Vulnerable Establishments Act 2015.

- (2) It extends to whole of the Punjab.
- (3) It shall come into force at once.

2. Definitions.— In this Act:

- (a) "Code" means the Code of Criminal Procedure, 1898 (*V of 1898*);
- (b) "Committee" means the Security Advisory Committee constituted under section 3 of the Act;
- (c) "District Coordination Officer" means the District Coordination Officer of the district;
- (d) "Government" means Government of the Punjab;
- (e) "Head of District Police" means the Capital City Police Officer, a City Police Officer or a District Police Officer;
- (f) "manager" means the owner or occupant of a vulnerable establishment and includes a person who is employed or authorized by the owner or occupant for the management of the vulnerable establishment;
- (g) "prescribed" means prescribed by the rules made under the Act;
- (h) "security arrangements" mean effective physical and technical security arrangements including installation and proper functioning of closed circuit television cameras, bio-metric system, walkthrough gates, security alarm and other modern gadgetries; and
- (i) "vulnerable establishment" means a place of worship or any other religious place, sensitive office of the Government, Federal Government, non-governmental organization or foreign project, hospital, bank, money changer, financial institution, office of firm or company, industrial unit, educational institution, public park, private clinic, wedding hall, petrol or CNG station, jewelry shop, hotel, amusement or entertainment center, public transport terminal, special bazaar, commercial street, shop or shopping arcade notified under the Act.

3. Security Advisory Committee.— (1) The District Coordination Officer shall, in each sub-division, constitute a Security Advisory Committee consisting of the Sub-divisional Police Officer as the Chairperson and the following members:

- (a) a representative of the district administration in BS-16 or above;
- (b) an officer from Special Branch of the Police in BS-16 or above;
- (c) an officer from Counter Terrorism Department in BS-16 or above; and
- (d) three representatives of the traders and other stakeholders.

(2) A member of the Committee, other than an *ex officio* member, shall hold office for a term of one year but the District Coordination Officer may again nominate him for like term

(3) A member of the Committee, other than an *ex officio* member, may submit his resignation to the District Coordination Officer and the District Coordination Officer may nominate another member in his place for the residuary term.

(4) An act or proceedings of the Committee shall not be invalid merely for reason of any vacancy or defect in the constitution of the Committee.

(5) The Committee shall meet at least once in a month at such time and place as may be determined by the Chairperson.

(6) The Committee shall observe such procedure with regard to transaction of business at its meetings or otherwise as may be prescribed and until so prescribed as the Chairperson determines.

4. Functions of the Committee.— (1) The Committee shall:

- (a) identify and recommend the establishments for notification as vulnerable establishments;
- (b) inspect a vulnerable establishment on quarterly basis;
- (c) issue advice, in writing, to the manager of a vulnerable establishment for such security arrangements as may be necessary on the basis of threat perception, resources at the disposal of the establishment and other related factors; and
- (d) send report to the Head of District Police in case of non-compliance of any advice.

(2) The Committee may constitute a sub-committee and assign the function of quarterly inspection of vulnerable establishments to such sub-committee.

5. Vulnerable establishments.—(1) The Committee shall identify and recommend to the District Coordination Officer an establishment for notification as a vulnerable establishment.

(2) The District Coordination Officer may, by notification, declare any establishment as a vulnerable establishment and shall maintain a list of the vulnerable establishments and shall issue updated list on annual basis.

(3) The District Coordination Officer may, by notification on the recommendation of the Committee or otherwise, exclude a vulnerable establishment from the list of vulnerable establishments.

(4) The District Coordination Officer shall provide a copy of the list and the revised list of vulnerable establishments to the Government, the Head of District Police and all the Assistant Commissioners in the district.

6. Advice by the Committee.— (1) The Committee shall issue advice for security arrangement to the manager of such an establishment and the manager shall make necessary security arrangements as per advice of the Committee within such reasonable time as the Committee determines.

(2) Subject to subsection (3), the Committee shall review its advice on annual basis and may, if necessary, issue revised advice to the manager of a vulnerable establishment and the manager shall implement the revised advice within such time as the Committee determines.

(3) The Committee, if the circumstances so justify, may issue revised advice to the manager of a vulnerable establishment even before the completion of a year and the manager shall implement the advice within such time as the Committee determines.

7. Security of vulnerable establishments.— The manager of a vulnerable establishment shall make appropriate and sufficient security arrangements for the protection of the vulnerable establishment and shall comply with the advice of the Committee within the time specified in the advice.

8. Security of public places.— The local government or any other local authority shall ensure clearance of roads, streets from debris or construction material, managing of filth depots on daily basis, covering manholes and removing broken water supply pipes so that no explosive materials may be concealed at any such place.

9. Inspection by Station House Officer.— The Station House Officer may, at any time, inspect any vulnerable establishment and submit his report to the Chairperson of the Committee under intimation to the Head of District Police.

10. Warning.—(1) If the Committee is satisfied on the basis of information received from any source or from the inspection report of the sub-committee or the Station House Officer that the security arrangements as per advice of the Committee have not been carried out at a vulnerable establishment, the Committee may issue a written warning to the manager of the vulnerable establishment specifying specific violation of its advice.

(2) The manager of the vulnerable establishment shall, within such time as is mentioned in the letter of warning, implement the advice of the Committee.

11. Sealing of the vulnerable establishment.— (1) If the manager of a vulnerable establishment fails to implement the advice of the Committee within the stipulated time, the Committee may direct complete or partial sealing of the vulnerable establishment or suspension of its operations till the time the advice is fully implemented and satisfactory security arrangements are made or the manager undertakes in writing to do so within such further time as the Committee may allow.

(2) The Station House Officer shall implement the direction of the Committee under this section and, for the purpose, use such force as may be necessary.

12. Appeal.— (1) The manager of a vulnerable establishment may, within three days from the receipt of advice, warning or direction of sealing or suspension of operations of the vulnerable establishment, prefer an appeal against the advice, warning or direction of sealing or suspension of operations to the District Intelligence Committee as may be notified by the Government.

(2) The District Intelligence Committee shall, after affording opportunity of personal hearing to the appellant and the representative of the Committee, pass such order as is deemed necessary and such order shall be final.

(3) The District Intelligence Committee shall dispose of the appeal as soon as may be but not later than seven days and shall immediately communicate the decision to the appellant and the Committee.

(4) The manager of a vulnerable establishment shall implement the advice of the Committee in the light of the order of the District Intelligence Committee within such time as is allowed by the District Intelligence Committee.

13. Manager to provide evidence.— The manager of a vulnerable establishment shall provide such evidence of offence as is obtained through security arrangements of the vulnerable establishment to the police or any other investigation agency.

14. Penalty.— If a person knowingly contravenes the provision of section 10 or fails to implement the direction issued under section 11 and section 12 or fails to abide by his undertaking given under section 11 or fails to furnish evidence to the investigation agency under section 13, he shall be liable to punishment of imprisonment which may extend to six months and fine which shall not be less than fifty thousand rupees but shall not exceed one hundred thousand rupees.

15. Cognizance and summary trial.— (1) An offence under this Act shall be cognizable and non-bailable.

(2) A Magistrate of the first class shall conduct the trial of an offence under this Act in accordance with the provisions of Chapter XXII of the Code relating to the summary trials.

16. Compounding of offence.— (1) Subject to subsection (2), the Government or an officer of the Government specifically authorized in this behalf may, at any stage, compound an offence under this Act subject to the deposit of administrative penalty which shall not be less than fifty thousand rupees.

(2) The offence under this Act shall not be compoundable if the accused had been previously convicted under the Act or his previous offence had been compounded by the Government or the officer authorized by the Government.

17. Bar of jurisdiction.— No court shall entertain any suit or application against any proceedings taken, direction or order made under this Act.

18. **In addition to other laws.**— The provisions of this Act shall be in addition to and not in derogation of any other law.

19. **Power to make rules.**— The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

20. **Repeal and savings.**—(1) The Punjab Shops and Establishments (Security) Act, 1999 (*II of 1999*) is hereby repealed.

(2) Notwithstanding the repeal of the Punjab Shops and Establishments (Security) Act, 1999 (*II of 1999*), anything done or action taken under the repealed Act, shall have the effect as if the thing is done or action taken under this Act.

21. **Repeal.**— The Punjab Security of Vulnerable Establishments Ordinance, 2015 (*I of 2015*) is hereby repealed.

MINISTER INCHARGE

Lahore:
11 February 2015

RAI MUMTAZ HUSSAIN BABAR
Secretary

**(BILL AS RECOMMENDED BY THE
STANDING COMMITTEE ON HOME AFFAIRS)**

A
BILL

to provide for effective security arrangements of vulnerable establishments.

Whereas it is expedient to make arrangements for the security of vulnerable establishments *inter alia* to prevent acts of terrorism and other crimes, to obtain evidence by use of modern devices for investigation and prosecution of offences, and to deal with ancillary matters;

It is enacted as follows:

1. **Short title, extent and commencement.**— (1) This Act may be cited as the Punjab Security of Vulnerable Establishments Act 2015.
 - (2) It extends to whole of the Punjab.
 - (3) It shall come into force at once.

2. **Definitions.**— In this Act:
 - (a) "Code" means the Code of Criminal Procedure, 1898 (*V of 1898*);
 - (b) "Committee" means the Security Advisory Committee constituted under section 3 of the Act;
 - (c) "District Coordination Officer" means the District Coordination Officer of the district;
 - (d) "Government" means Government of the Punjab;
 - (e) "Head of District Police" means the Capital City Police Officer, a City Police Officer or a District Police Officer;
 - (f) "manager" means the owner or occupant of a vulnerable establishment and includes a person who is employed or authorized by the owner or occupant for the management of the vulnerable establishment;
 - (g) "prescribed" means prescribed by the rules made under the Act;
 - (h) "security arrangements" mean effective physical and technical security arrangements including installation and proper functioning of closed circuit television cameras, bio-metric system, walkthrough gates, security alarm and other modern gadgets; and
 - (i) "vulnerable establishment" means a place of worship or any other religious place, sensitive office of the Government, Federal Government, non-governmental organization or foreign project, hospital, bank, money changer, financial institution, office of firm or company, industrial unit, educational institution, public park, private clinic, wedding hall, petrol or CNG station, jewelry shop, hotel, amusement or entertainment center, public transport terminal, special bazaar, commercial street, shop or shopping arcade notified under the Act.

3. **Security Advisory Committee.**— (1) The District Coordination Officer shall, in each sub-division, constitute a Security Advisory Committee consisting of the Sub-divisional Police Officer as the Chairperson and the following members:
 - (a) a representative of the district administration in BS-16 or above;
 - (b) an officer from Special Branch of the Police in BS-16 or above;
 - (c) an officer from Counter Terrorism Department in BS-16 or above; and
 - (d) three representatives of the traders and other stakeholders.
 - (2) A member of the Committee, other than an *ex officio* member, shall hold office for a term of one year but the District Coordination Officer may again nominate him for like term.
 - (3) A member of the Committee, other than an *ex officio* member, may submit his resignation to the District Coordination Officer and the District Coordination Officer may nominate another member in his place for the residuary term.

(4) An act or proceedings of the Committee shall not be invalid merely for reason of any vacancy or defect in the constitution of the Committee.

(5) The Committee shall meet at least once in a month at such time and place as may be determined by the Chairperson.

(6) The Committee shall observe such procedure with regard to transaction of business at its meetings or otherwise as may be prescribed and until so prescribed as the Chairperson determines.

4. Functions of the Committee.— (1) The Committee shall:

- (a) identify and recommend the establishments for notification as vulnerable establishments;
- (b) inspect a vulnerable establishment on quarterly basis;
- (c) issue advice, in writing, to the manager of a vulnerable establishment for such security arrangements as may be necessary on the basis of threat perception, resources at the disposal of the establishment and other related factors; and
- (d) send report to the District Coordination Officer and Head of District Police in case of non-compliance of any advice.

(2) The Committee may constitute a sub-committee and assign the function of quarterly inspection of vulnerable establishments to such sub-committee.

5. Vulnerable establishments.—(1) The Committee shall identify and recommend to the District Coordination Officer an establishment for notification as a vulnerable establishment.

(2) The District Coordination Officer may, by notification, declare any establishment as a vulnerable establishment and shall maintain a list of the vulnerable establishments and shall issue updated list on annual basis.

(3) The District Coordination Officer may, by notification on the recommendation of the Committee or otherwise, exclude a vulnerable establishment from the list of vulnerable establishments.

(4) The District Coordination Officer shall provide a copy of the list and the revised list of vulnerable establishments to the Government, the Head of District Police and all the Assistant Commissioners in the district.

6. Advice by the Committee.— (1) The Committee shall issue advice for security arrangement to the manager of such an establishment and the manager shall make necessary security arrangements as per advice of the Committee within such reasonable time as the Committee determines.

(2) Subject to subsection (3), the Committee shall review its advice on annual basis and may, if necessary, issue revised advice to the manager of a vulnerable establishment and the manager shall implement the revised advice within such time as the Committee determines.

(3) The Committee, if the circumstances so justify, may issue revised advice to the manager of a vulnerable establishment even before the completion of a year and the manager shall implement the advice within such time as the Committee determines.

7. Security of vulnerable establishments.— The manager of a vulnerable establishment shall make appropriate and sufficient security arrangements for the protection of the vulnerable establishment and shall comply with the advice of the Committee within the time specified in the advice.

8. Security of public places.— The local government or any other local authority shall ensure clearance of roads, streets from debris or construction material, managing of filth depots on daily basis, covering manholes and removing broken water supply pipes so that no explosive materials may be concealed at any such place.

9. Inspection by Police.— The Police Officer incharge of the Police Station may, at any time, inspect any vulnerable establishment and submit his report to the Chairperson of the Committee under intimation to the District Coordination Officer and Head of District Police.

10. Warning.—(1) If the Committee is satisfied on the basis of information received from any source or from the inspection report of the sub-committee or the Police Officer incharge of the

Police Station that the security arrangements as per advice of the Committee have not been carried out at a vulnerable establishment, the Committee may issue a written warning to the manager of the vulnerable establishment specifying specific violation of its advice.

(2) The manager of the vulnerable establishment shall, within such time as is mentioned in the letter of warning, implement the advice of the Committee.

11. Sealing of the vulnerable establishment.— (1) If the manager of a vulnerable establishment fails to implement the advice of the Committee within the stipulated time, the Committee may direct complete or partial sealing of the vulnerable establishment or suspension of its operations till the time the advice is fully implemented and satisfactory security arrangements are made or the manager undertakes in writing to do so within such further time as the Committee may allow.

(2) The Police Officer incharge of the Police Station shall implement the direction of the Committee under this section and, for the purpose, use such force as may be necessary.

12. Appeal.— (1) The manager of a vulnerable establishment may, within three days from the receipt of advice, warning or direction of sealing or suspension of operations of the vulnerable establishment, prefer an appeal against the advice, warning or direction of sealing or suspension of operations to the District Intelligence Committee as may be notified by the Government.

(2) The District Intelligence Committee shall, after affording opportunity of personal hearing to the appellant and the representative of the Committee, pass such order as is deemed necessary and such order shall be final.

(3) The District Intelligence Committee shall dispose of the appeal as soon as may be but not later than seven days and shall immediately communicate the decision to the appellant and the Committee.

(4) The manager of a vulnerable establishment shall implement the advice of the Committee in the light of the order of the District Intelligence Committee within such time as is allowed by the District Intelligence Committee.

13. Manager to provide evidence.— The manager of a vulnerable establishment shall provide such evidence of offence as is obtained through security arrangements of the vulnerable establishment to the police or any other investigation agency.

14. Penalty.— If a person knowingly contravenes the provision of section 10 or fails to implement the direction issued under section 11 and section 12 or fails to abide by his undertaking given under section 11 or fails to furnish evidence to the investigation agency under section 13, he shall be liable to punishment of imprisonment which may extend to six months and fine which shall not be less than fifty thousand rupees but shall not exceed one hundred thousand rupees.

15. Cognizance and summary trial.— (1) An offence under this Act shall be cognizable and non-bailable.

(2) A Magistrate of the first class shall conduct the trial of an offence under this Act in accordance with the provisions of Chapter XXII of the Code relating to the summary trials.

16. Compounding of offence.— (1) Subject to subsection (2), the Government or an officer of the Government specifically authorized in this behalf may, at any stage, compound an offence under this Act subject to the deposit of administrative penalty which shall not be less than fifty thousand rupees.

(2) The offence under this Act shall not be compoundable if the accused had been previously **convicted** under the Act or his previous offence had been compounded by the Government or the officer authorized by the Government.

17. Bar of jurisdiction.— No court shall entertain any suit or application against any proceedings taken, direction or order made under this Act.

18. Annual Report.— (1) Every Head of District Police shall send a monthly implementation report to the Government under this Act.

(2) The Government shall, before 31 March each year, submit a consolidated implementation annual report in the Provincial Assembly of the Punjab relating to the preceding year containing summary of the activities and recommendations for implementation of the Act.

19. In addition to other laws.— The provisions of this Act shall be in addition to and not in derogation of any other law.

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

21. Repeal and savings.—(1) The Punjab Shops and Establishments (Security) Act, 1999 (*II of 1999*) is hereby repealed.

(2) Notwithstanding the repeal of the Punjab Shops and Establishments (Security) Act, 1999 (*II of 1999*), anything done or action taken under the repealed Act, shall have the effect as if the thing is done or action taken under this Act.

22. Repeal.— The Punjab Security of Vulnerable Establishments Ordinance, 2015 (*I of 2015*) is hereby repealed.
