

CONFIDENTIAL

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PROVINCIAL ASSEMBLY OF THE PUNJAB REPORT OF THE STANDING COMMITTEE ON HOME AFFAIRS REGARDING THE PUNJAB INFORMATION OF TEMPORARY RESIDENTS BILL 2015 (BILL NO. 2 OF 2015)

The Punjab Information of Temporary Residents Bill 2015 (Bill No. 2 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:-

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| 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 obtain information about tenants and other temporary residents; to develop a database of such persons to effectively combat terrorism and other crimes as well as to use such information for investigation and prosecution of certain offences. He requested the Committee that the bill, as introduced, may be recommended for passage by the Assembly.

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 3**

- (i) in sub-clause (1), the words "forty eight hours" occurring in line 2, be substituted by the words "fifteen days"; and

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(ii) in sub-clause (2), the words "three" occurring in line 1, be substituted by the words "twenty four".

(2) **CLAUSE 4**

in sub-clause (2), the words "three" occurring in line 1, be substituted by the words "twenty four".

(3) **ADDITION OF NEW CLAUSE 14**

the following be added as new clause 14 and subsequent clauses be re-numbered accordingly:

"14. 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


(RAI MUMTAZ HUSSAIN BABAR)
Secretary

PROVINCIAL ASSEMBLY OF THE PUNJAB

BILL NO. 2 OF 2015

THE PUNJAB INFORMATION OF TEMPORARY RESIDENTS BILL 2015

A
BILL

to provide for sharing of information of tenants and other temporary residents.

Whereas it is expedient to obtain information about tenants and other temporary residents; to develop a database of such persons; to effectively combat terrorism and other crimes; to use such information for investigation and prosecution of certain offences; and, to provide for ancillary matters;

It is enacted as follows:

1. **Short title, extent and commencement.**— (1) This Act may be cited as the Punjab Information of Temporary Residents 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) "Government" means Government of the Punjab;
- (c) "guest" means a person who is in possession or enjoyment of lodging, or board and lodging at a hotel or a hostel except an employee of the hotel or hostel;
- (d) "hostel" means a premises where residential accommodation is offered for rent or any other consideration but shall not include a rented premises or a hotel or a hostel exclusively managed and controlled by an organization or institution and which is being exclusively used for the residence of the enrolled students or staff of such organization or institution;
- (e) "hotel" means a premises meant for lodging, or board and lodging offered to guests for monetary consideration or otherwise and includes a guest house, resort, motel, inn or *sarai* but shall not include a rented premises or a hostel;
- (f) "landlord" means the owner of the premises let out for residential purpose or which may be used as a temporary place of abode and includes a lessor or a person who is entitled or authorized to receive rent, lease amount, charges or any other monetary consideration;
- (g) "manager" means a person who is employed or authorized by the owner or landlord for the management of a hotel or a hostel;
- (h) "police" means the police constituted under the Police Order, 2002 (*C.E. Order No. 22 of 2002*);
- (i) "prescribed" means prescribed by the rules made under the Act;
- (j) "property dealer" means the property dealer who deals in the rented premises or hostels for monetary consideration;
- (k) "rented premises" means a building or part of a building which is let out for residential purpose or which may be used as a temporary place of abode but shall not include a hotel or a hostel; and
- (l) "tenant" means the occupant of a rented premises and includes a lessee or a sub-tenant.

3. Information to police.— (1) Subject to subsection (3), the property dealer, landlord and tenant shall, within forty eight hours from the time of delivery of possession of the rented premises to the tenant, provide information about the tenant in the prescribed manner to the police through the fastest means of communication.

(2) The owner or manager shall, within three hours from the time of arrival or check in of a guest, provide information about the guest in the prescribed manner to the police through the fastest means of communication.

(3) If one of the persons mentioned in subsection (1) or subsection (2) provides the requisite information, the other concurrently responsible persons shall not be liable for non-provision of the information to the police.

4. Guests other than students and staff.— (1) A person, not being student or staff of an organization or institution, shall not stay at a hostel exclusively managed and controlled by the organization or institution without prior permission in writing of the manager.

(2) The manager shall, within three hours from the time he receives information about stay of a person mentioned in subsection (1), provide information in the prescribed manner about the particulars of the person to the police through the fastest means of communication.

5. Identification of tenants and guests.— (1) The landlord, manager or property dealer shall not allow any tenant or guest to stay at the rented premises, hostel or hotel unless he is satisfied about the identification of the tenant or the guest on the basis the computerized national identity card or passport of such tenant or guest.

(2) The landlord, manager or property dealer shall obtain a copy of the computerized national identity card or passport of the tenant or the guest and shall provide such copy to the police at the earliest.

6. Use of information.— (1) The police shall maintain a database of all the tenants and guests by categorizing them in the prescribed manner.

(2) The police shall conduct analysis of the data for prevention, detection and investigation of offences.

(3) The information received under this Act shall not be used for any purpose other than prevention, detection, investigation and prosecution of offences of terrorism and other offences under the Pakistan Penal Code, 1860 (*XLV of 1860*).

7. Inspection and interviews.— (1) A police officer not below the rank of Sub-Inspector may, subject to a reasonable notice and for purposes of this Act:

(a) inspect a rented premises, hostel or hotel; and

(b) obtain necessary information from the relevant documents and persons including landlord, tenant, manager, guest or property dealer.

(2) The police shall ensure compliance of this Act through spot inspections and local verifications.

8. Firearms and explosives.— (1) The landlord, manager and the property dealer shall ensure that the tenant or guest is not carrying or in possession of a firearm or any explosives other than a licensed weapon.

(2) The owner or manager of a hostel or hotel shall keep an entry of any licensed weapon being carried by a guest and provide such information to the police in the prescribed manner.

9. Change of timelines.— The Government may, by notification in the official Gazette, extend the timelines provided for provision of information to the police under this Act for any category of persons, rented premises, hostels or hotels.

- 10. Assistance to police.**— A police officer not below the rank of Deputy Superintendent of Police may call for the information about the ownership or title of a rented premises or a hostel from any relevant office, body or authority maintaining record of rights, transfer deeds or other title documents.
- 11. Penalties.**— If a person knowingly contravenes the provision of section 3, 4, 5 or 8 or fails to allow access to premises or provide information to the police under section 7 or section 10, he shall be liable to punishment of imprisonment which may extend to six months and fine which shall not be less than ten thousand rupees or more than one hundred thousand rupees.
- 12. 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.
- 13. 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 ten 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.
- 14. In addition to other laws.**— The provision of this Act shall be in addition to and not in derogation of any other law.
- 15. Power to make rules.**— The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.
- 16. Repeal.**— The Punjab Information of Temporary Residents Ordinance, 2015 (II of 2015) is hereby repealed.

MINISTER INCHARGE

Lahore:
11 February 2015

RAI MUMTAZ HUSSAIN BABAR
Secretary

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

A
BILL

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