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SINDH ORDINANCE NO. I OF 2015

THE SINDH INFORMATION OF TEMPORARY RESIDENTS ORDINANCE, 2015

C O N T E N T S

Preamble

Sections

1. **Short title, extent and commencement**.
2. **Definitions**.
3. **Information to police.**
4. **Guests other than students and staff.**
5. **Identification of tenants and guests.**
6. **Use of information.**
7. **Inspection and interviews.**
8. **Firearms and explosives.**
9. **Change of timelines.**
10. **Assistance to police.**
11. **Penalties.**
12. **Cognizance and summary trial.**
13. **In addition to other laws.**
14. **Power to make rules.**
15. **Over-riding effect.**

SINDH ORDINANCE NO. I OF 2015

THE SINDH INFORMATION OF TEMPORARY RESIDENTS ORDINANCE, 2015

[16th March, 2015]

An Ordinance to provide for sharing of information of tenants and other temporary residents in the Province of Sindh.

Preamble.

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 matters ancillary thereto;

AND WHEREAS the Provincial Assembly is not in session and the Governor is satisfied that circumstances exists 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, 1973, the Governor is pleased to make and promulgate the following Ordinance:-

Short title, extent and commencement.

1. (1) This Ordinance may be called the Sindh Information of Temporary Residents Ordinance 2015.

(2) It shall extend to the whole of Province of Sindh.

(3) It shall come into force at once.

Definitions.

2. In this Ordinance, unless there is anything repugnant in the subject or context –

(a) "Code" means the Code of Criminal Procedure, 1898 (V of 1898);

(b) "Government" means Government of the Sindh;

(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 or commercial 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 Act as prevalent in Sindh;

(i) "property dealer" means the property dealer who deals in the rented premises or hostels for monetary consideration;

(j) "prescribed" means prescribed by rules;

(k) "rented premises" means a building or part of a building which is let out for residential or commercial purpose or which may be used as a temporary place of abode but shall not include a hotel or a hostel;

(l) "rules" means the rules made under this Ordinance; and

(m) "tenant" means the occupant of a rented premises and includes a lessee or a sub-tenant.

Information to police.

3. (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 sub-section (1) or sub-section (2) provides the requisite information, the other concurrently responsible persons shall not be liable for non-provision of the information to the police.

Guests other than students and staff.

4. (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.

Identification of tenants and guests.

5. (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.

Use of information.

6. (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 Ordinance 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).

Inspection and interviews.

7. (1) A police officer not below the rank of Sub-Inspector may, subject to a reasonable notice and for the purposes of this Ordinance –

(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 Ordinance through spot inspections and local verifications.

Firearms and explosives.

8. (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.

Change of timelines.

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

Assistance to police.

10. 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.

Penalties.

11. If a person knowingly contravenes the provision of section 3, 4, 5 or 8 or fails to allow access to premises or provides 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 forty five thousand rupees.

Cognizance and summary trial.

12. (1) An offence under this Ordinance shall be cognizable and non-bailable.

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

In addition to other laws.

13. The provision of this Ordinance shall be in addition to and not in derogation of any other law.

Power to make rules.

14. Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

Over-riding effect.

15. The provisions of this Ordinance shall have over-riding effect notwithstanding anything contained in any other law, for the time being in force.