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THE SINDH HABITUAL OFFENDERS MONITORING ACT, 2022

SINDH ACT NO. XXX OF 2023

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SCHEDULE

(See section 2(l) & section 8)

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[11th August, 2023]

AN ACT to check the menace of street crime and ensure safer cities and neighborhoods especially the urban areas of the Province of Sindh and for the purpose to ensure the effective monitoring of habitual offenders by using the modern technology;

WHEREAS it is expedient to check the menace of street crime and ensure safer cities and neighborhoods especially the urban areas of the Province of Sindh, and for the purpose to ensure the effective monitoring of habitual offenders by using the modern technology; and to provide for the matters connected therewith or ancillary thereto;

Preamble.

It is hereby enacted as follows:-

1. (1) This Act may be called the Sindh Habitual Offenders Monitoring Act, 2022. **Short title and commencement.**

(2) It shall come into force at once.

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

2. (1) In this Act, unless there is anything repugnant in the subject or context – **Definitions.**

- (a) “Agency” means any vendor, consortium or Government agency which is authorized under this Act to effect monitoring of habitual offenders;
- (b) “appeal” means an appeal preferred under this Act
- (c) “Attached Department” means the Sindh Police Department or Sindh Prisons Department, as the case may be;
- (d) “Code” means the Code of Criminal Procedure, 1898(Act V of 1898);
- (e) “Court” means a Court of competent jurisdiction to try the offences enumerated in the Schedule;
- (f) “Department” means the Home Department, Government of Sindh;

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- (g) “electronic monitoring device” means electronic monitoring units in the form of anklet or bracelet affixed to a habitual offender or which shall at a minimum –
 - (i) provide a single-unit tracking device for each habitual offender that contains a central processing unit with global positioning system and cellular technology in a single unit; and
 - (ii) permit active, real-time and continuous monitoring of offenders round the clock;
- (h) “habitual offender” means a person who is found involved or arrested for more than once in any of the offences enumerated in the Schedule;
- (i) “Magistrate” means an area Magistrate within whose jurisdiction the offence(s) enumerated in the Schedule wholly or partially, is committed;
- (j) “Prosecutor” shall have the same meaning as assigned to it under clause (1) of section 2 of the Sindh Criminal Prosecution Service (Constitution, Functions and Powers) Act, 2009 (Sindh Act No.IX of 2010);
- (k) “Registry” means a registry formed under this Act;
- (l) “Schedule” means the Schedule appended to this Act;

(2) Any expression used but not defined in this Act shall have the same meaning as assigned to it in the Code.

3. (1) Upon an application lodged by Police Officer through Prosecutor, the Magistrate shall, after providing an opportunity of being heard to the proposed habitual offender, declare him as habitual offender. **Procedure for attachment of electronic monitoring device.**
- (2) An aggrieved person who has been declared as habitual offender may appeal against such declaration to the Court of Sessions of concerned District within thirty days from the date order passed by Magistrate.

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(3) A Magistrate shall order the attachment of electronic monitoring device to the habitual offender, if required to be released on bail, for a period which shall not be less than six months.

(4) A Magistrate shall explain the operation of the electronic monitoring device and the terms and condition of the electronic monitoring device to the habitual offender.

(5) The habitual offender on whom the electronic monitoring device has been attached shall submit a surety bound and under taking for compliance of such restrictions as may be imposed by the Court.

(6) The electronic device shall be attached to the habitual offender by the designated police officer or the agency authorized by the Government.

(7) The habitual offender shall comply with all the terms and conditions of the electronic monitoring device and shall report to the concerned police station at such time as specified in the form.

(8) Upon expiry of the period referred to in sub-section (1), the person shall report to the designated police officer or authorized agency for removal of the electronic monitoring device.

4. When a habitual offender is attached with electronic monitoring device, he shall – **Monitoring of habitual offenders.**

- (a) report himself at such times and places and in such mode as may be specified in the order by a Magistrate;
- (b) not reside within or visit the areas specified in the such order.

5. (1) Any habitual offender who fails to comply with the terms and conditions under sub-section (5) of section 3, shall be guilty of an offence and liable to imprisonment for a term not exceeding three years. **Penalties.**

(2) Any habitual offender who tampers with, or destroys, the electronic monitoring device shall be guilty of an offence and liable to imprisonment for a term not exceeding three years but not less than one year and fine of one million rupee and such

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person shall be liable to pay for any damage to the electronic monitoring device arising from his action.

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| 6. | A database for such habitual offenders shall be maintained by District SSP of the habitual offenders residing in the District. A centralized data base shall also be maintained at provincial level to be known as the Sindh Habitual Offender Registry. | Habitual offender registry. |
| 7. | Government may prescribe rules for the purposes of carrying out the purposes of this Act. | Power to make rules. |
| 8. | In respect of offences mentioned in Schedule, the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force. | Act not to derogate from other law. |
| 9. | The provisions of the Code, to the extent not inconsistent with anything contained in this Act, shall apply mutatis mutandis. | Application of Code. |
| 10. | Government may by notification in the official gazette, amend or modify the schedule so as to include or exclude any offence. | Amendment to the schedule. |

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SCHEDULE
(See section 2(1) & section 8)

Sr. No.	Offence	Relevant section of Code
1.	Theft of a car or other motor vehicles	381-A
2.	Extortion	384
3.	Robbery	392
4.	Attempt to commit robbery	393
5.	Voluntarily causing hurt in committing robbery	394
6.	Dacoity	395
7.	Dacoity with murder	396
8.	Robbery or Dacoity with attempt to cause death or grievous hurt	397
9.	Any offence under the Narcotics Act, 1997 (amended from time to time)	6(9)(a)(b) & (c)