

THE BALOCHISTAN SECURITY OF VULNERABLE ESTABLISHMENTS ACT, 2024

(Act No. V of 2024)

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1THE BALOCHISTAN SECURITY OF VULNERABLE ESTABLISHMENTS ACT, 2024

(BALOCHISTAN ACT V OF 2024)

Short title, extent
and
commencement.

Definitions.

[04% December, 2024]

AN
ACT

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 Act 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 hereby Act as follows: -

1. (1) This Act may be called as_ the

Balochistan Security of Vulnerable Establishments
Act, 2024.

(2) It extends to the whole of Balochistan.

(3) It shall come into force at once.

2. 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) "Deputy Commissioner" means the
Deputy Commissioner of the district.

(d) "Government" means Government of
the Balochistan.

(e) "Head of District Police" means the
DIG of Police, SSP or an SP/SDPO.

(f) "Manager" means the owner or

1 This Act was passed by the Provincial Assembly of Balochistan on 28 November, 2024; and assented to by the Governor Balochistan, on 03" December, 2024; and published in the Balochistan Gazette (Extraordinary) No. 154, dated 04» December, 2024.

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Security Advisory 3. (1)

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.

“Prescribed” means prescribed by the rules made under the Act.

“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

“Vulnerable Establishment” means a place of worship or any other religious place, sensitive office of the Government, Federal Government, nongovernmental 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, mines & mineral sites, camping sites of the development projects or any other place, as Government may from time to time notify under the Act.

The Deputy Commissioner shall, in

Committee. each sub-division, constitute a Security Advisory Committee consisting of Assistant Commissioner

concerned as the Chairperson and the following

members:

(a) the Sub-divisional Police
Officer /DSP.

Functions of the Committee.

(b) an officer from Counter Terrorism Department in BS-16 or above.

(c) a representative from Pak-Army/FC.

(d) a representative from all Intelligence Agencies (ISI, MI, IB, SB) and

(e) three representatives of the traders and relevant stakeholders.

(2) A member of the Committee, other

than an ex officio member, shall hold office for a term of one year but the Deputy Commissioner may again nominate for like term.

(3) A member of the Committee, other than an ex officio member, may submit his resignation to the Deputy Commissioner and the Deputy Commissioner 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. (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

Vulnerable
establishment.

Advice by the
Committee.

manager of a _ vulnerable
establishment for such security
arrangements as may _ be
necessary based on _ threat
perception, resources at the
disposal of the establishment
and other related factors; and

(d) send report to the Deputy
Commissioner 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
subcommittee.

5. (1) The Committee shall identify and
recommend to the Deputy Commissioner an
establishment for notification as a vulnerable
establishment.

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

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

(4) The Deputy Commissioner _ 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. (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

Security of
vulnerable
establishment.

Security of public
places.

Responsibility.

Inspection by

Police /Levies.

Warning.

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. The manager of a vulnerable establishment shall make appropriate and sufficient security arrangements for the protection of the vulnerable establishment which includes, but not limited to deployment of private guards, installation of surveillance system and other security facilities and shall comply with the advice of the Committee within the time specified in the advice.

8. 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. The responsibility of vulnerable establishment or place 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.

10. The In-charge of the Police Station/Levies Station may, at any time, inspect any vulnerable establishment and submit his report to the Chairperson of the Committee under intimation to the Deputy Commissioner and Head of District Police.

11. (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

Sealing of the
vulnerable

establishment.

Appeal.

the In-charge of the Police/Levies 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.

12. (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 In charge of the Police/Levies Station shall implement the direction of the Committee under this section and, for the purpose, use such force as may be necessary.

13. (1) The manager of a _ vulnerable establishment may, within (10) ten 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 Coordination Committee as may be notified by the Government.

(2) The District Intelligence Coordination 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 Coordination
Committee shall dispose of the appeal as soon as

Manager to

provide evidence.

Penalty.

Cognizance and
summary trial.

Compounding of
offence.

may be but not later than (10) ten 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 Coordination Committee within such time as is allowed by the District Intelligence Coordination Committee.

14. 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/Levies or any other investigation agency.

15. 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 (06) six months and fine which shall not be less than fifty thousand rupees but shall not exceed one hundred thousand rupees.

16. (1) An offence under this Act shall be cognizable and non-bailable.

(2) A Judicial 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.

17. (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.

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Bar of
jurisdiction.

Annual Report.

In addition to
other laws.

Power to make

rules.

Repeal and
savings.

18. No court shall entertain any suit or application against any proceedings taken, direction or order made under this Act.

19. (1) Every Deputy Commissioner/Head of District Police shall send a monthly implementation report to the Government under this Act.

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

20. The provisions of this Act shall be in addition to and not in derogation of any other law.

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

22. (1) The Balochistan Shops and Establishments (Security) Act, 2009 VI of 2009) is hereby repealed.

(2) Notwithstanding the repeal of The Balochistan Shops and Establishment (Security) Act, 2009 Act No (VI of 2009, 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.