

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW, JUSTICE, PARLIAMENTARY AFFAIRS AND HUMAN RIGHTS
DEPARTMENT MUZAFFARABAD

Dated: 9th February, 2016

No. LD/Legis-Act/64-75/2016. The following Act of Assembly received the assent of the President on the 8th day of February 2016, is hereby published for general information.

(ACT VI OF 2016)

An

Act

to provide mechanism for monitoring the business of rented premises and building in the Azad Jammu and Kashmir

WHEREAS, it is expedient to provide mechanism for monitoring the business of rented premises and building for the purposes of counter terrorism and to provide summary trials for offences to combat crimes effectively in the Azad Jammu and Kashmir;

It is hereby enacted as follows:

1. Short title, Extent and Commencement.- (1) This Act may be called the Azad Jammu and Kashmir Rented Premises/Buildings (Inspection and Security) Act, 2016.

(2) It shall extend to the whole of Azad Jammu and Kashmir.

(3) It shall come into force at once.

2. Definitions.- In this Act, unless the context otherwise requires:-

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

(Act V of 1898);

(b) "Government" means the Azad Government of the State

of Jammu and Kashmir;

(c) "guest" means a person who is in possession or enjoyment of lodging or boarding 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;

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“hotel” means a premises meant for lodging, or boarding 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;

“Landlord” means the owner of the rented premises and includes any person for the time being authorized or entitled to receive rent in respect of any building or rented land or premises, whether on his own account or on behalf, or for the benefit, of any other person, or as a trustee, guardian or receiver, and/or a tenant who, being authorized under the terms of his lease so to do, sublets the building or premises and every other person for the time being deriving title from the landlord and includes lessor;

“manager” means a person who is employed or authorized by the owner or landlord for the management of a hotel or a hostel;

“prescribed” means prescribed by the rules made under this Act;

“property dealer”? means the property dealer who deals in the rented premises or hostels for monetary consideration;

“rented buildings” means a piece of land or building or part of a building which is let out for residential purposes or which may be used as a temporary place of abode but shall not include a hotel or a hostel; and

“tenant” means any person who undertakes or is bound to pay rent as consideration for the possession or occupation of a rented premises by him or by any other person on his behalf, and includes,-

(i) lessee;

(ii) any person who continues to be in possession or

occupation after the termination of his tenancy;
and

(iii) in the event of the death of the tenant, the
members of his family who continue to be in
possession or occupation of the building or
rented premises.

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

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.

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.

Use _of Information by Police.- (1) The incharge of the local police station, shall be responsible to maintain record of all tenants, guests and rented premises falling in the jurisdiction of such police station.

(2) The local police station, shall prepare a computerized database for such rented premises, tenants and guests.

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Central Database.— (1) After commencement of this Act, Government shall provide necessary assistance to police department for the development of central database of the tenants, guests and rented premises in the form of hardware and software at the shortest possible time.

(2) Standardized software prepared for this purpose shall be utilized throughout the Azad Jammu and Kashmir.

Assistance by Revenue and other relevant department.— The Board of Revenue and other concerned Department of the Government shall be bound to provide any information regarding ownership of the rented premises to the police.

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 buildings, hostel or hotel; and

(b) obtain necessary information from the relevant documents; and

(c) obtain necessary information from persons including landlord, tenant, manager, guest or property dealer.

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

Firearms _and_expllosives.— (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.— 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.

Power of 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, hostel or hotel from any relevant office, body or authority maintaining record of rights, transfer deeds or other title documents.

Penalties.— If a person knowingly contravenes any provision of this Act or fails to allow access to rented premises, hotel or

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hostel or provide information to the police, 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.

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.

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.

Non derogation.— The provision of this Act shall be in addition to and not in derogation of any other law.

Indemnity.- No suit or other proceeding shall lie against any person for anything done or intended to be done, in good faith under this Act or rules made thereunder.

Power to make rules.- Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Savings and Validation.- Notwithstanding any judgment of Supreme Court or High Court, all actions taken, decisions made, orders passed, proceedings initiated, powers exercised, powers conferred etc., which have been visualized by this Act, shall be deemed to have been validly taken, made, passed, issued,

initiated, exercised and conferred under this Act.

Repeal.- (1) The Azad Jammu and Kashmir Rented Premises Buildings (Inspection and Security) Ordinance 2015 (Ordinance XXIV of 2015) is hereby repealed.

Sd/-
(Ch. Muhammad Nawaz)
Section Officer (Legislation)