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SINDH ORDINANCE NO.II OF 2015

THE SINDH SECURITY OF VULNERABLE ESTABLISHMENTS ORDINANCE, 2015

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SINDH ORDINANCE NO.II OF 2015

THE SINDH SECURITY OF VULNERABLE ESTABLISHMENTS ORDINANCE, 2015

[16th March, 2015]

An Ordinance to provide for effective security arrangements of vulnerable establishments.

Preamble.

WHEREAS it is expedient to make arrangements for the security of vulnerable establishments *inter alia* to prevent acts 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;

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 Security of Vulnerable Establishments 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 (Act *V of 1898*);

(b) "Committee" means the Security Advisory Committee constituted under section 3 of this Ordinance;

(c) "Deputy Commissioner" means the Deputy Commissioner of the district;

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

(e) "Head of District Police" means the Senior Superintendent of Police in a district;

(f) "manager" means the owner or 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;

(g) "prescribed" means prescribed by the rules;

(h) "rules" means the rules made under this Ordinance;

(i) "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

(j) "vulnerable establishment" means a place of worship or any other religious place, sensitive office of Government, Federal Government, non-governmental 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 notified under this Ordinance.

Security Advisory Committee.

3. (1) The Deputy Commissioner shall, in each sub-division, constitute a Security Advisory Committee consisting of the Sub-divisional Police Officer as the Chairperson and the following members:-

(a) a representative of the district administration in BS-16 or above;
(b) an officer from Special Branch of the Police in BS-16 or above;
(c) an officer from Counter Terrorism Department in BS-16 or above; and
(d) three representatives of the traders, growers and other stakeholders.

(2) A member of the Committee, other than an *ex-officio* member, shall hold office for a period of one year and shall be eligible for one more term but the Deputy Commissioner may again nominate him for one more 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 Ordomamce or proceeding 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 but until so prescribed as the Chairperson may determine.

Functions of the Committee.

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

(d) send report to the 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 sub-committee.

Vulnerable establishments.

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 establishments 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 Government, the Head of District Police and all the Assistant Commissioners in the district.

Advice by the Committee.

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 sub-section (3), the Committee shall review its advice on annual basis 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.

Security of vulnerable establishments.

7. The manager of a vulnerable establishment shall make appropriate and sufficient security arrangements for the protection of the vulnerable establishment and shall comply with the advice of the Committee within the time specified in the advice.

Security of public places.

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.

Inspection by Station House Officer.

9. The Station House Officer may, at any time, inspect any vulnerable establishment and submit his report to the Chairperson of the Committee under intimation to the Head of District Police.

Warning.

10. (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 the Station House Officer 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 mentioned in the letter of warning, implement the advice of the Committee.

Sealing of the vulnerable establishment.

11. (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 Station House Officer shall implement the direction of the Committee under this section and, for the purpose, use such force as may be necessary.

Appeal.

12. (1) The manager of a vulnerable establishment may, within three 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 concerned Deputy Inspector General of Police.

(2) The Deputy Inspector General of Police shall, after affording opportunity of personal hearing to the appellant and the representative of the Committee, pass such order as deem necessary and such order shall be final.

(3) The Deputy Inspector General of Police shall dispose of the appeal as soon as may be but not later than seven 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 Deputy Inspector General of Police within such time as allowed by the Deputy Inspector General of Police.

Manager to provide evidence.

13. The manager of a vulnerable establishment shall provide such evidence of offence as obtained through security arrangements of the vulnerable establishment to the police or any other investigation agency.

Penalty.

14. If any person knowingly contravenes the provisions 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 six months and fine which shall not be less than forty five thousand rupees.

Cognizance and summary trial.

15. (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.

Bar of Jurisdiction.

16. No suit, prosecution or other legal proceedings shall lie against the Committee or any other person acting under the direction of the Committee or Government for anything which is in good faith done or intended to be done under this Ordinance.

In addition to other laws.

17. The provisions of this Ordinance shall be in addition to and not in derogation of any other law, for the time being in force.

Power to make rules.

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

Over-riding effect.

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