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SINDH ACT NO.III OF 2015

THE SINDH SOUND SYSTEM (REGULATION) ORDINANCE, 2015

C O N T E N T S

Preamble

Sections

1. **Short title, extent and commencement.**
2. **Definitions.**
3. **Prohibition on the use of sound system.**
4. **Regulation of sound system.**
5. **Inspections.**
6. **Punishment.**
7. **Power to seizure.**
8. **Cognizance and summary trial.**
9. **Confiscation.**
10. **Power to make rules.**
11. **Over-riding effect.**

SINDH ACT NO.III OF 2015

THE SINDH SOUND SYSTEM (REGULATION) ORDINANCE, 2015

[16th March, 2015]

An Ordinance to regulate and control use of sound systems in the Province of Sindh.

Preamble.

WHEREAS it is expedient for purposes of preventing public nuisance and the voicing of utterances of a controversial nature likely to cause public disorder and to regulate, control and prohibit the use of certain sound systems in the Province of Sindh in the interest of environment, public order, decency and the prevention of incitement to terrorism or the commission of any offence 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 Sound System (Regulation) 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 the Government of the Sindh;

(c) "place of worship" means a mosque, imambargah, madaris, church, temple or any other place of worship of any sect or religion;

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

(e) "public place" means a public street, a public thoroughfare, a public park or playground or any other place to which the members of the public or section of public have access with or without invitation;

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

(g) "sound system" means a loudspeaker, sound amplifier or such other equipment as may be prescribed; and

(h) "vicinity" means an area or place within ten yards of the place where the sound system is placed.

Prohibition on the use of sound system .

3. (1) Subject to the provisions of this Ordinance, it shall be unlawful for any person to use, or assist in using, permit or allow the use of a sound system which generates any loud, unnecessary or unusual noise or any noise which annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of persons in or beyond the vicinity.

(2) Notwithstanding anything contained in this Ordinance or any other law, no person shall use a sound system which contravenes the prescribed specifications.

(3) Government shall, by notification, determine the specification of a sound system.

Regulation of sound system.

4. (1) Subject to sub-section (2), no person shall operate or use or cause to be operated or used a sound system –

(a) in a public place, in a manner so as to cause or to be likely to cause annoyance or injury to persons in the vicinity; or

(b) in any place in the vicinity of –

(i) a place of worship during prayer times;

(ii) a hospital providing facilities for indoor patients at any time of day or night;

(iii) an educational institution, a court, a hospital not providing facilities for indoor patients or any other public institution, office or undertaking during their usual working hours at a volume or in a manner whereby the working or the use of the establishment is likely to be disturbed by the use of the sound system;

(iv) a house or any other place used for human dwelling at any time as may be prescribed; or

(c) in a place of worship in a manner or at a volume whereby any sound from the sound system could be heard beyond ten yards outside the boundaries of the place of worship; or

(d) in any public or private place, for the voicing of any sectarian or other utterances of a controversial nature likely to lead to public disorder, if such utterances are or may be heard outside or beyond the immediate limits or precincts of such place.

(2) Subject to sub-section (2) of section 3, a person may use –

(a) one external sound system at a place of worship for the purpose of Azan, Arabic Khutba delivered on a Friday or on Eid, announcement of death of a person, lost or found a thing or a person; or

(b) external sound system at a public place and during reasonable hours with the prior permission of Government or an officer authorized by Government and the use of such sound system is in accordance with the conditions mentioned in such permission.

Inspections.

5. The police officer incharge of the local area police station shall, at such regular intervals as may be prescribed, inspect or cause to be inspected sound systems of every place of worship to ensure compliance of the provisions of this Ordinance and shall maintain record of all such inspections in the prescribed manner.

Punishment.

6. If a person contravenes any provision of section 3 or 4, he shall be liable to punishment of imprisonment which may extend to six months and fine which shall not be less than twenty five thousand rupees but shall not exceed fifty thousand rupees.

Power of seizure.

7. (1) A police officer not below the rank of Assistant Sub-Inspector may seize any sound system used or reasonably suspected to have been used in the commission of an offence under this Ordinance.

(2) Any sound system seized under this section shall, as soon as may be, be produced before the Court having jurisdiction to try an offence under this Ordinance.

Cognizance and summary trial.

8. (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.

Confiscation.

9. A court trying an offence under this Ordinance may order the confiscation of any loudspeaker or sound amplifier or apparatus used in the commission of an offence under this Ordinance.

Power to make rules.

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

Over-riding effect.

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