SINDH ORDINANCE NO.I OF 2010

THE SINDH SHOPS AND ESTABLISHMENT (SECURITY) ORDINANCE, 2009.

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THE SINDH SHOPS AND ESTABLISHMENT (SECURITY) ORDINANCE, 2009.

[8th January, 2010]

An Ordinance to provide security and protection to persons and property of the commercial, industrial establishments and shops in the Province of Sindh.

Preamble.

WHEREAS it is expedient to provide security and protection to persons and property of the commercial, industrial establishments and shops in the Province of Sindh and to provide for matters connected therewith or ancillary thereto;

AND WHEREAS the Provincial Assembly is not in session and the Governor of Sindh is satisfied that circumstances exist which render it necessary to take immediate actions;

NOW THEREFORE, in exercise of the powers conferred by clause (1) of Article 128 of the Constitution of the Islamic Republic of Pakistan, the Governor of Sindh is pleased to make and promulgate the following Ordinance: -

Short title and commence-ment.

1. (1) This Ordinance may be called the Sindh Shops and Establishments (Security) Ordinance, 2009.

(2) It shall come into force at once.

Definitions.

2. In this Ordinance, unless there is anything repugnant in the subject or context-

(i) "commercial establishment" means an establishment which carries on any business or any work in connection with or incidental or ancillary to, a Bank, a Money Changer or a financial institution, stock exchange, brokerage houses, hotels (Multinational or otherwise) and includes any other establishment as the Government may, by notification in the official gazette declare to be commercial establishment for the purpose of this Ordinance;

(ii) "employer" means a person owning or having charge of the business of an establishment, and includes an agent or manager or any other person acting on behalf of such person in the general management or control of such establishment;

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

(iv) "industrial establishment" means a workshop or an establishment, industrial unit and includes such other class or classes of establishments as the Government may, by notification in the official gazette declare to be industrial establishment for the purpose of this Ordinance;

(v) "shop" means any premises used wholly or in part for the whole-sale or retail sale of commodities or articles, either for cash or on credit, or where services are rendered to customers, and includes an office, a store room, godown, where-house or place of work, whether in the same premises or otherwise, mainly used in connection with such trade or business;

(vi) "residential hotels" means any premises in which a bona-fide business is carried on for the supply of dwelling accommodation and meals on payment of a sum of money by a traveler or any other member of the public or class of the public and includes a club;

(vii) "restaurants" and "eating house" means any premises in which is carried on wholly or principally the business of the supply of meals or refreshments to the public or a class of the public for consumption on the premises; and

(viii) "rules" means rules made under this Ordinance.

Security of Establishments.

3. The Government may, by order, provide for the regulation of and enforcement of measures for the safety and security of the property and persons connected with the Commercial, Industrial Establishment and Shops.

Compliance of the orders.

4. The employer of the respective establishment shall report compliance to the issuing authority of the Government within fourteen days of the receipt of the said orders or directives.

Penalties.

5. If the employer of any establishment contravenes any order made under this Act, shall be punished with imprisonment which may extend to one month or with fine which may extend to fifty thousand rupees or with both and if the offence continues, the establishment may be kept sealed till such time the order is complied with.

Procedure.

6. (1) No prosecution shall be initiated against any Employer, for any offence under this Ordinance except by or with the previous sanction of Government or other officer or authority specially empowered by Government in this behalf.

(2) No court inferior to that of a Magistrate of the First Class shall try an offence punishable under this Act or any rule made thereunder.

(3) No court shall take cognizance of any offence under this Act except on a complaint made in writing within six months of the date on which the offence was discovered.

Power to make rules.

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